

PLAINTIFF'S
EXHIBIT

14

No. 13-1483

iNetViewer - Event Search

Location Information		Caller Information	
Number	Direction	Name	
		Address	
Street	Type	Phone	
		Source	
Suffix	Area		
		Calltaker ID	
ESZ	Beat	Terminal	
Sort Keys		Modifiers	
Date/Time		<input checked="" type="checkbox"/> Open Events	<input type="checkbox"/> Late Run
<input type="checkbox"/> Descending		<input checked="" type="checkbox"/> Closed Events	<input type="checkbox"/> Use Time as Range
General Event Information			
Event Number	Event Type	Primary Unit	Priority
Case Number	SubType	Comments	
From Date	From Time	Agency	Disp Code
10/16/2011	12:30:00 AM	WCP	
To Date	To Time	DGroup	Situation
10/16/2011	3:00:00 AM		

Submit

Event Summary

Row	Agency	DGroup	Pri	Date	Time	Event Number	Type	Subtype	Unit	Location	Plum
1	WCP	PD90	8	10/16/2011	12:43:40 AM	P1110160017	TRAF			600 W CHESTNUT ST: @STAR CARPET	WASH
2	WCP	PD90	6	10/16/2011	12:56:13 AM	P1110160024	RDHAZ			E BEAU ST/N LINCOLN ST	WASH
3	WCP	PD90	5	10/16/2011	1:38:59 AM	P1110160049	911IN			155 WILSON AVE: @WASHINGTON HOSPITAL	WASH
4	WCP	PD90	8	10/16/2011	1:44:16 AM	P1110160053	TRAF			88 N MAIN ST: @ERNIES FREESTYLE RESTAURANT	WASH
5	WCP	PD90	6	10/16/2011	2:14:51 AM	P1110160065	INTOX		9032	JEFFERSON AVE/W CHESTNUT ST	WASH
5	WCP	PD90	3	10/16/2011	2:18:41 AM	P1110160071	SHOTS		4330	785 ADDISON ST	WASH

Normal View

Event Information -- P1110160065

Location Information				Caller Information									
Number				Name									
Direction				Address									
Street				Phone									
Type				Terminal	psapbw08								
Suffix				Calltaker ID	91021								
Area				Source	OFFICER								
Municipality	WASH			Remarks	<p>** LOI search completed at 10/16/11 02:14:51 Field Event ** Case number P90011008941 has been assigned for WCP:PD90 ** >>>> by: DEBBIE CADEZ on terminal: psapbw08 ** VEH search completed at 10/16/11 02:14:59 REQT EMS AND A HELICOPTER VEH HIT INTOX PEDESTERIAN ** Case number P56011000991 has been assigned for WCP:PD56 ** >>>> by: DEBBIE CADEZ on terminal: psapbw08 MEDEVAC 1 HOME AND AVAILABLE GOING TO LZ 5401 SHOP AND SAVE // LESS THAN 5 TALKING TO COMMAND 54 ON 155.340 5409 REQ HELI IN THE AIR ** LOI search completed at 10/16/11 02:33:42 1 MALE 95 TO WASH HOSPITAL ** LOI search completed at 10/16/11 02:45:31 SM..714 EM..716 MALE FROM WASH ER TO STATION ** LOI search completed at 10/16/11 03:18:42 AT STATION EM..717</p>								
Apartment				Case Numbers	<table border="1"> <tr> <td>P56011000991</td> <td>Disp Codes</td> <td>COMPLETED</td> </tr> <tr> <td>P90011008941</td> <td></td> <td></td> </tr> </table>			P56011000991	Disp Codes	COMPLETED	P90011008941		
P56011000991	Disp Codes	COMPLETED											
P90011008941													
X-Street 1	JEFFERSON AVE												
X-Street 2	W CHESTNUT ST												
Date	10/16/2011												
Event Type	INTOX -- INTOXICATED PERSON												
Muni	WASH												

Agency	P	Es2	Area	DGroup	Add	Dispatch	Arrive	Close	Cls ID	Cls Term	Event	Comments	Prim	Unit	Situation
WCE	6	54001	5400	EMS4	2:16:58 AM	2:17:16 AM	2:21:23 AM	3:20:28 AM	91079	psapbw112	E1110160008		5400		
WCP	6	54001	90	PD90	2:14:51 AM	2:14:51 AM	2:14:52 AM	7:15:58 AM	91020	psapbw05	P1110160065		9032		

Details	Chronology	Add Comments	Unit	*Supplemental	Reprint Clear Report	*LOI
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Event Chronology -- P1110160065

☒ System Comments

Time	Date	Terminal	Operator	Action
2:14:51 AM	10/16/2011	psapbw08	91021	EVENT CREATED: WASH , Cross Streets=JEFFERSON AVE /W CHESTNUT ST , Call Source=OFFICER Agency=WCP, Group=PD90, Beat=90, Status=A, Priority=6, ETA=0, Hold Type=0, Primary Unit=9032, Primary Member=0, Current=F, Open Current=F, Type Code=INTOX-INTOXICATED PERSON Unit=9032, Status=DP, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=90059 EVENT COMMENT=Field Event ** LOI search completed at 10/16/11 02:14:51 SUPP INFO CREATED: VEHIC , State=PA, License Year=2011, License Type=PC
2:14:52 AM	10/16/2011	psapbw08	91021	Unit=9032, Status=AR, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=90059
2:14:52 AM	10/16/2011	psapbw08		EVENT COMMENT=** Case number P90011008941 has been assigned for WCP:PD90
2:14:52 AM	10/16/2011	psapbw08		** >>>> by: DEBBIE CADEZ on terminal: psapbw08 CASE NUMBER ASSIGNED=P90011008941
2:14:59 AM	10/16/2011	psapsvr11	91021	EVENT COMMENT=** VEH search completed at 10/16/11 02:14:59
2:16:46 AM	10/16/2011	psapbw02	91041	Unit=9031, Status=DP, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=90041
2:16:47 AM	10/16/2011	psapbw02	91041	Unit=9031, Status=AR, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=90041
2:17:26 AM	10/16/2011	psapbw08	91021	EVENT COMMENT=REQT EMS AND A HELICOPTER
2:17:40 AM	10/16/2011	psapbw08	91021	EVENT COMMENT=VEH HIT INTOX PEDESTERIAN
2:18:31 AM	10/16/2011	psapbw08	91021	Unit=5630, Status=DP, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=56038
2:18:32 AM	10/16/2011	psapbw08	91021	Unit=5630, Status=AR, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=56038
2:18:32 AM	10/16/2011	psapbw08		EVENT COMMENT=** Case number P56011000991 has been assigned for WCP:PD56
2:18:32 AM	10/16/2011	psapbw08		** >>>> by: DEBBIE CADEZ on terminal: psapbw08 CASE NUMBER ASSIGNED=P56011000991
2:19:33 AM	10/16/2011	psapbw02	91041	EVENT COMMENT=MEDEVAC 1 HOME AND AVAILABLE GOING TO LZ 5401 SHOP AND SAVE // LESS THAN 5
2:19:40 AM	10/16/2011	psapbw02	91041	EVENT COMMENT=TALKING TO COMMAND 54 ON 155.340
2:19:52 AM	10/16/2011	psapbw05	91037	Unit=9032, Status=~, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=90059
2:20:43 AM	10/16/2011	psapbw02	91041	Unit=9032, Status=CU, Comment=Alarm Timer Extended: 0, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=90059
2:21:47 AM	10/16/2011	psapbw02	91041	Unit=9031, Status=~, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=90041
2:22:00 AM	10/16/2011	psapbw02	91041	Unit=9031, Status=CU, Comment=Alarm Timer Extended: 0, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=90041
2:22:31 AM	10/16/2011	psapbw112	91079	EVENT COMMENT=5409 REQ HELI IN THE AIR
2:23:32 AM	10/16/2011	psapbw05	91037	Unit=5630, Status=~, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=56038
2:23:39 AM	10/16/2011	psapbw05	91037	Unit=5630, Status=CU, Comment=Alarm Timer Extended: 0, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=56038
2:33:42 AM	10/16/2011	psapsvr11	91079	EVENT COMMENT=** LOI search completed at 10/16/11 02:33:42
2:34:34 AM	10/16/2011	psapbw109	91024	Unit=9031, Status=UE, Location=JEFFERSON AVE/W CHESTNUT ST WASH
2:34:35 AM	10/16/2011	psapbw109	91024	Unit=9031, Status=UE, Location=JEFFERSON AVE/W CHESTNUT ST WASH
2:34:42 AM	10/16/2011	psapbw109	91024	Unit=9032, Status=UE, Location=JEFFERSON AVE/W CHESTNUT ST WASH
2:34:43 AM	10/16/2011	psapbw109	91024	Unit=9032, Status=UE, Location=JEFFERSON AVE/W CHESTNUT ST WASH
2:45:20 AM	10/16/2011	psapbw05	91037	EVENT COMMENT=1 MALE 95 TO WASH HOSPITAL
2:45:31 AM	10/16/2011	psapbw05	91037	Unit=9032, Status=TR, Location=155 WILSON AVE WASH: @BLS TX WASHINGTON

2:45:31 AM	10/16/2011	psapsvr11	<u>91037</u>	EVENT COMMENT=** LOI search completed at 10/16/11 02:45:31
2:45:37 AM	10/16/2011	psapbw05	<u>91037</u>	EVENT COMMENT=SM..714
2:49:21 AM	10/16/2011	psapbw05	<u>91037</u>	Unit=9032, Status=TA, Location=155 WILSON AVE WASH: @BLS TX WASHINGTON
2:49:26 AM	10/16/2011	psapbw05	<u>91037</u>	EVENT COMMENT=EM..716
3:18:19 AM	10/16/2011	psapbw05	<u>91037</u>	EVENT COMMENT=MALE FROM WASH ER TO STATION
3:18:38 AM	10/16/2011	psapbw05	<u>91037</u>	Unit=9032, Status=TR, Location=56 W STRAWBERRY AVE WASH: @MUNI 90 WASHINGTON CITY
3:18:42 AM	10/16/2011	psapsvr11	<u>91037</u>	EVENT COMMENT=** LOI search completed at 10/16/11 03:18:42
3:19:11 AM	10/16/2011	\$5630	<u>56038</u>	Unit=5630, Status=AK, Location=JEFFERSON AVE/W CHESTNUT ST WASH, Employee=56038
3:22:06 AM	10/16/2011	psapbw05	<u>91037</u>	Unit=5630, Status=AM, Employee=56038
3:22:32 AM	10/16/2011	psapbw05	<u>91037</u>	EVENT COMMENT=AT STATION EM..717
3:37:02 AM	10/16/2011	psapbw05	<u>91037</u>	Unit=9031, Status=AV
4:48:38 AM	10/16/2011	psapbw05	<u>91037</u>	Unit=9032, Status=~, Location=56 W STRAWBERRY AVE WASH: @MUNI 90 WASHINGTON CITY
4:48:45 AM	10/16/2011	psapbw05	<u>91037</u>	Unit=9032, Status=CU, Comment=Alarm Timer Extended: 0, Location=56 W STRAWBERRY AVE WASH: @MUNI 90 WASHINGTON CITY
7:15:57 AM	10/16/2011	psapbw05	<u>91020</u>	Unit=9032, Status=AV
7:15:58 AM	10/16/2011	psapbw05	<u>91020</u>	Agency=WCP, Group=PD90, Beat=90, Status=A, Priority=6, ETA=0, Hold Type=0, Primary Unit=9032, Primary Member=0, Current=T, Open Current=F, Type Code=INTOX-INTOXICATED PERSON
EVENT CLOSED				

Event Unit Information

Unit ID	CarID	Agency	DGroup	Status	Time	Emp	ID	Terminal	Location	Comment
<u>9032</u>		WCP	PD90	DP	2:14:51 AM	<u>90059</u>	<u>91021</u>	psapbw08	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>9032</u>		WCP	PD90	AR	2:14:52 AM	<u>90059</u>	<u>91021</u>	psapbw08	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>9031</u>		WCP	PD90	DP	2:16:46 AM	<u>90041</u>	<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>9031</u>		WCP	PD90	AR	2:16:47 AM	<u>90041</u>	<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>5400</u>		WCE	EM54	DP	2:17:16 AM		<u>91036</u>	psapbw10	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>5409</u>		WCE	EM54	DP	2:17:27 AM		<u>91036</u>	psapbw10	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>5409</u>		WCE	EM54	ER	2:17:31 AM		<u>91036</u>	psapbw10	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>5400</u>		WCE	EM54	AQ	2:17:58 AM		<u>91036</u>	psapbw10	5400 BASE	
<u>5630</u>	5630	WCP	PD56	DP	2:18:31 AM	<u>56038</u>	<u>91021</u>	psapbw08	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>5630</u>	5630	WCP	PD56	AR	2:18:32 AM	<u>56038</u>	<u>91021</u>	psapbw08	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>5409</u>		WCE	EM54	ER	2:19:17 AM		<u>91079</u>	psapbw112	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>9032</u>		WCP	PD90	~	2:19:52 AM	<u>90059</u>	<u>91037</u>	psapbw05	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>9032</u>		WCP	PD90	CU	2:20:43 AM	<u>90059</u>	<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	Alarm Timer Extended: 0
<u>MEDEVAC</u>		WCE	AIR	DP	2:20:57 AM		<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>MEDEVAC</u>		WCE	AIR	XB	2:21:07 AM		<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>MEDEVAC</u>		WCE	AIR	UC	2:21:08 AM		<u>91041</u>	psapbw02	STAT MEDEVAC	
<u>MEDEVAC1</u>		WCE	AIR	XC	2:21:09 AM		<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>MEDEVAC1</u>		WCE	AIR	AK	2:21:09 AM		<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>MEDEVAC1</u>		WCE	AIR	XC	2:21:10 AM		<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>MEDEVAC1</u>		WCE	AIR	XE	2:21:11 AM		<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	MEDEVAC
<u>5409</u>		WCE	EM54	AR	2:21:23 AM		<u>91079</u>	psapbw112	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>9031</u>		WCP	PD90	~	2:21:47 AM	<u>90041</u>	<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>9031</u>		WCP	PD90	CU	2:22:00 AM	<u>90041</u>	<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH	Alarm Timer Extended: 0
<u>MEDEVAC1</u>		WCE	AIR	~	2:22:09 AM		<u>91077</u>	psapbw104	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>5630</u>	5630	WCP	PD56	~	2:23:32 AM	<u>56038</u>	<u>91037</u>	psapbw05	JEFFERSON AVE/W CHESTNUT ST WASH	
<u>5630</u>	5630	WCP	PD56	CU	2:23:39	<u>56038</u>	<u>91037</u>	psapbw05	JEFFERSON AVE/W CHESTNUT ST	Alarm Timer

				AM		WASH	Extended: 0
<u>MEDEVAC1</u>	WCE	AIR	CU	2:23:40 AM	<u>91037</u>	psapbw05	JEFFERSON AVE/W CHESTNUT ST WASH
<u>MEDEVAC1</u>	WCE	AIR	ER	2:23:52 AM	<u>91041</u>	psapbw02	JEFFERSON AVE/W CHESTNUT ST WASH
<u>MEDEVAC1</u>	WCE	AIR	AR	2:32:59 AM	<u>91079</u>	psapbw112	JEFFERSON AVE/W CHESTNUT ST WASH
<u>5409</u>	WCE	EM54	TR	2:33:41 AM	<u>91079</u>	psapbw112	TO LZ
<u>5409</u>	WCE	EM54	TA	2:33:52 AM	<u>91079</u>	psapbw112	TO LZ
<u>9031</u>	WCP	PD90	UE	2:34:34 AM	<u>91024</u>	psapbw109	JEFFERSON AVE/W CHESTNUT ST WASH
<u>9031</u>	WCP	PD90	UE	2:34:35 AM	<u>91024</u>	psapbw109	JEFFERSON AVE/W CHESTNUT ST WASH
<u>9032</u>	WCP	PD90	UE	2:34:42 AM	<u>91024</u>	psapbw109	JEFFERSON AVE/W CHESTNUT ST WASH
<u>9032</u>	WCP	PD90	UE	2:34:43 AM	<u>91024</u>	psapbw109	JEFFERSON AVE/W CHESTNUT ST WASH
<u>9032</u>	WCP	PD90	TR	2:45:31 AM	<u>91037</u>	psapbw05	155 WILSON AVE WASH: @BLS TX WASHINGTON
<u>9032</u>	WCP	PD90	TA	2:49:21 AM	<u>91037</u>	psapbw05	155 WILSON AVE WASH: @BLS TX WASHINGTON
<u>9032</u>	WCP	PD90	TR	3:18:38 AM	<u>91037</u>	psapbw05	56 W STRAWBERRY AVE WASH: @MUNI 90 WASHINGTON CITY
<u>5630</u>	5630	WCP	PD56	AK	3:19:11 AM	<u>56038</u> <u>56038</u> \$5630	JEFFERSON AVE/W CHESTNUT ST WASH
<u>5409</u>	WCE	EM54	AQ	3:19:30 AM	<u>91079</u>	psapbw112	5400 BASE
<u>MEDEVAC1</u>	WCE	AIR	AQ	3:20:28 AM	<u>91079</u>	psapbw112	STAT MEDEVAC
<u>5630</u>	5630	WCP	PD56	AM	3:22:06 AM	<u>56038</u> <u>91037</u>	psapbw05
<u>9031</u>	WCP	PD90	AV	3:37:02 AM	<u>91037</u>	psapbw05	
<u>9032</u>	WCP	PD90	~	4:48:38 AM	<u>91037</u>	psapbw05	56 W STRAWBERRY AVE WASH: @MUNI 90 WASHINGTON CITY
<u>9032</u>	WCP	PD90	CU	4:48:45 AM	<u>91037</u>	psapbw05	56 W STRAWBERRY AVE WASH: @MUNI 90 WASHINGTON CITY
<u>9032</u>	WCP	PD90	AV	7:15:57 AM	<u>91020</u>	psapbw05	

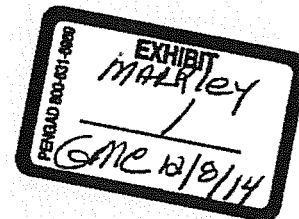
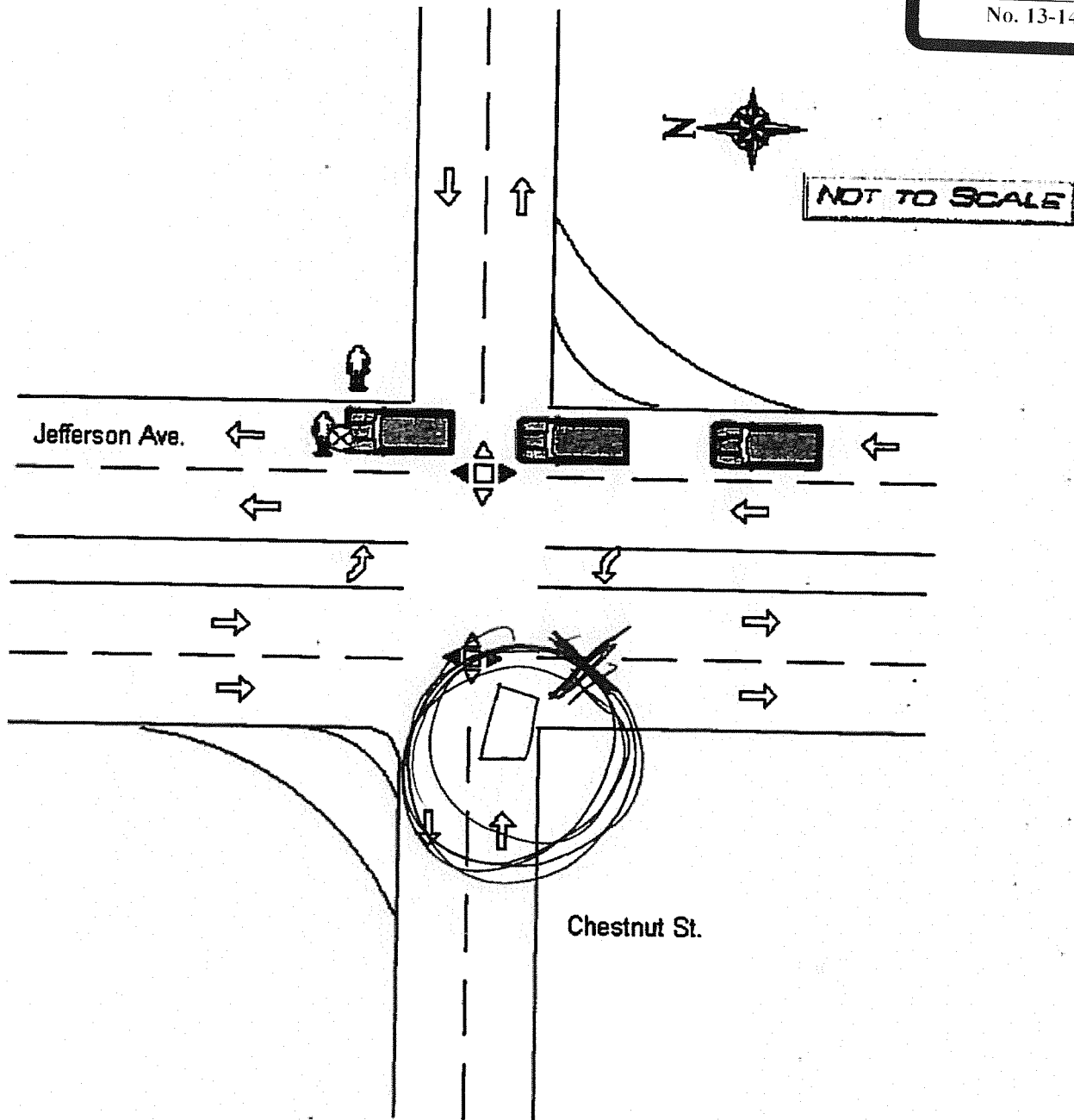
Alarm Timer Extended: 0

Print CRS W0241130

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Crash Number: W0241130
Incident Number: 11008941

PLAINTIFF'S
EXHIBIT
15
No. 13-1483



PLAINTIFF'S
EXHIBIT

16
No. 13-1483

Google earth

feet
meters



EXHIBIT
MADLEY
2/1/14
PENGAD 800-631-6089

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

JERRY L. RAY,)
)
Plaintiff,)
)
-vs-) Civil Action
) No. CV13-01483-DSC
MICHAEL CAIN; an)
individual, JAMES MARKLEY,)
an individual; and CITY)
OF WASHINGTON,)
)
Defendants.)

VIDEOTAPE DEPOSITION OF: ROBERT LEMONS

DATE: June 30, 2015
Tuesday, 9:00 a.m.

LOCATION: Washington City Hall
55 West Maiden Street
Washington, PA 15301

TAKEN BY: Plaintiff

REPORTED BY: JoAnn M. Brown, RMR, CRR
Notary Public
Reference No. JB38303

Ray v.
Cain

LEMONS
June 30, 2015

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<p>1 Q. But that wasn't customary?</p> <p>2 Sometimes they ended up on your</p> <p>3 desk; sometimes you went and looked at them</p> <p>4 yourself?</p> <p>5 A. Right.</p> <p>6 Q. Okay. When you became chief, was there any</p> <p>7 system that you changed or any policies that</p> <p>8 you changed, or did you just pretty much keep</p> <p>9 everything the way it was back when Chief</p> <p>10 Blyth ran it?</p> <p>11 A. I changed the uniform. We went from having</p> <p>12 white T-shirts underneath our summer uniforms</p> <p>13 to black. I sent a lot of guys to school and</p> <p>14 trainings.</p> <p>15 Q. You sent guys to trainings. What kind of</p> <p>16 trainings?</p> <p>17 A. Just any training that came along, I tried to</p> <p>18 find people that wanted to go.</p> <p>19 Q. Okay. Was this outside of the MPOETC</p> <p>20 requirements?</p> <p>21 A. Yes.</p> <p>22 Q. Any recollection of what type of trainings</p> <p>23 they were, do you remember?</p> <p>24 A. It was through Allegheny County Police</p> <p>25 Academy. They offer a multitude of classes.</p>	<p>1 Q. Do you remember any type of trainings on how</p> <p>2 to deal with intoxicated individuals in</p> <p>3 roadways or near roadways?</p> <p>4 A. We deal with intoxicated people every day.</p> <p>5 Q. I bet.</p> <p>6 Any trainings on how to do it</p> <p>7 properly?</p> <p>8 A. Specific trainings? I don't think there are.</p> <p>9 Q. You've never been to any?</p> <p>10 A. I've never seen any.</p> <p>11 Q. You've never hosted any or encouraged anybody</p> <p>12 to go to anything like that?</p> <p>13 A. I've never seen anything offered like that.</p> <p>14 Q. I think you said the ICRs, the Incident Crime</p> <p>15 Reports --</p> <p>16 A. Mm-hmm. Initial.</p> <p>17 Q. Initial.</p> <p>18 -- is this a system that you still</p> <p>19 have here today or was this back in 2011?</p> <p>20 A. No, it's been here since I started.</p> <p>21 Q. Okay. How does it work?</p> <p>22 What -- I understand the initial</p> <p>23 officers will write their own reports and file</p> <p>24 whatever criminal charges they want to file.</p> <p>25 Does every officer do an Initial</p>
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<p>1 They were juvenile custody stuff, underage</p> <p>2 drinking. I can't recall everything.</p> <p>3 Q. Just whatever came up.</p> <p>4 So this is a new change that you</p> <p>5 instituted when you became chief?</p> <p>6 A. I don't think it was actually considered a</p> <p>7 change, it's just, if I seen a class that I</p> <p>8 thought somebody might be interested in, I'd</p> <p>9 just approach them and see if they wanted to</p> <p>10 go.</p> <p>11 Q. So it's something you thought was important,</p> <p>12 and you promoted extra trainings within the</p> <p>13 department?</p> <p>14 A. Yeah, if it was possible.</p> <p>15 Q. Ever remember Chief Blyth promoting extra</p> <p>16 trainings in the department?</p> <p>17 A. Yes.</p> <p>18 Q. You do?</p> <p>19 A. Mm-hmm.</p> <p>20 Q. What type of trainings would he promote?</p> <p>21 A. He sent a couple people to intoxilizer school.</p> <p>22 He sent me to truck school, truck inspection</p> <p>23 school for two weeks to do the DOT on the</p> <p>24 commercial vehicles. You know, just stuff</p> <p>25 like that.</p>	<p>1 Crime Report with their actual report that</p> <p>2 they hand write? Is that standard?</p> <p>3 A. That is the handwritten report --</p> <p>4 Q. Okay.</p> <p>5 A. -- is the Initial Crime Report.</p> <p>6 Q. Okay. And -- okay. I'm going to hand you</p> <p>7 what's marked at the top of the page</p> <p>8 Washington Police Department Initial Crime</p> <p>9 Report.</p> <p>10 I assume this is the Initial Crime</p> <p>11 Report that you're talking about?</p> <p>12 A. Yes, that's what it looks like.</p> <p>13 Q. Okay. So every time there's an incident that</p> <p>14 an officer is engaged in, he will write up or</p> <p>15 fill out this document?</p> <p>16 A. No.</p> <p>17 Q. No?</p> <p>18 Okay. When does an officer fill</p> <p>19 this out?</p> <p>20 A. When it's a criminal offense.</p> <p>21 Q. When they anticipate filing criminal charges?</p> <p>22 A. Not necessarily.</p> <p>23 Q. Explain.</p> <p>24 A. If I get called -- anything in the Crimes Code</p> <p>25 has to go on here. A criminal mischief report</p>

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<p>1 could be -- he or she could be run over by a 2 vehicle? 3 A. I think anybody laying in the road is 4 susceptible to be run over by a vehicle. 5 Q. It's an obvious danger? 6 A. If you're in the road. 7 Q. Anyone would recognize this, police officer or 8 not, right? 9 A. I'm pretty confident anybody would recognize 10 that problem. 11 Q. Earlier you were testifying about how to use 12 your car to block the intersection to protect 13 someone if they are lying in the roadway. 14 Officer Markley testified that he was never 15 trained on how to use his vehicle to block an 16 intersection, and looking back, it would have 17 been a good idea to do that. 18 Any explanation you can give why one 19 of your officers who had been with the 20 department for years prior to that incident 21 didn't know how to use their car to block the 22 intersection? 23 A. I thought you said he partially blocked it. 24 Q. I did not say that. 25 A. Oh. There's no schools out there to teach you</p>	<p>1 been done? 2 A. No. 3 Q. Okay. Now knowing that one of your officers 4 didn't know how to use their car to block the 5 intersection, is that something that maybe 6 should be training in the department to make 7 sure that all officers, whether they're new 8 officers or they've been on the force, know 9 how to use their care to block off an 10 intersection? 11 A. I've never had any issues with any of the guys 12 that work for me not knowing how to block a 13 road. 14 Q. Okay. But I'm saying there was an issue that 15 night with one of the officers. 16 Now that you know that there's that 17 issue out there, is that something that you 18 think the department might want to do a 19 training on? 20 A. It probably would be a good idea to look into 21 it. 22 MR. CAMBEST: Looks like we have a 23 lot more to go. Can we take a five-minute 24 break? 25 MS. ELSESEN: Yeah.</p>
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<p>1 how to position a car to block an 2 intersection. It's just -- you just do it. 3 Q. Is there any attempt by the department to make 4 sure that your officers know what they're 5 doing when they encounter something in the 6 roadway and how to use their car to block the 7 intersection? 8 A. Yeah, we've had stuff happen before where no 9 one has had an issue. 10 Q. What do you mean? 11 A. I mean, there's been accidents and everything 12 else where we blocked roadways with cars. 13 Q. Okay. The department itself has certainly 14 encountered this type of situation before? 15 A. Blocking off roads? 16 Q. Right. 17 A. Yes. 18 Q. Okay. My question is, has there ever been any 19 type of training or attempt by the department 20 to make sure all officers in the department 21 know how to use their car to block an 22 intersection? 23 A. I don't think there is a specific training for 24 that. 25 Q. Okay. So nothing in the department has ever</p>	<p>1 THE VIDEOGRAPHER: We'll be going 2 off the record. The time indicated on the 3 screen is 10:36 a.m. 4 ---- 5 (There was a recess in the proceedings.) 6 ---- 7 THE VIDEOGRAPHER: We are now back 8 on the record. The time indicated on the 9 screen is 10:42 a.m. 10 BY MS. ELSESEN: 11 Q. Lieutenant, we were just talking about using 12 your car and how to use your car to block the 13 intersection. I told you that Officer Markley 14 testified that he had never been trained on 15 how to do it, and he didn't do it in this 16 particular instance. 17 Lieutenant, if assuming that fact to 18 be true that Lieutenant -- Officer Markley had 19 never been trained on how to use his car to 20 block the intersection when he encountered 21 something in the roadway, you can't testify 22 one way or the other how Officer Markley used 23 his car in the past? 24 In other words, you don't know 25 whether he's encountered an obstruction in the</p>

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<p>1 roadway and failed to use his car to block the 2 intersection in the past? 3 A. I can only go on what -- when he worked for 4 me, what I've seen him do, and I've seen 5 him -- like, on house fires, I've had him 6 block the whole road with his car. 7 Q. Okay. Now, is that something -- 8 A. And I didn't have to tell him how to do it, he 9 just did it. 10 Q. Okay. So when got on your shift -- and when 11 was he on your turn? 12 A. Well, he was on a couple years ago, then he 13 worked for me last year. 14 Q. Okay. The incident that you're describing 15 with the house fire, was that last year? 16 A. No -- oh, you know what, that was in 2000 -- 17 I'm trying to think. I think 2010, because it 18 was out on East Maiden Street. That's when we 19 dragged a woman out. 2000 -- Kevin Brown was 20 lieutenant. It was either '09 or '10. 21 Q. Okay. So -- 22 A. 2009 or 2010. 23 Q. -- in that incident, did you direct him how to 24 use his car to block the intersection -- 25 A. No.</p>	<p>1 Jefferson Avenue and there's a way you can 2 position your car to block the motorists that 3 are coming down the southerly lanes -- 4 A. Okay. 5 Q. -- that's the way you'd want to position your 6 car, right? 7 A. You'd position your car so other vehicles 8 would have to go around the problem. 9 Q. Right, so they wouldn't strike and hit Jerry 10 Ray? 11 So you could get him out of the 12 street, fair? 13 A. Fair. 14 Q. Officers Cain and Markley testified that when 15 they -- and they also put this in their report 16 and testified more extensively, when they got 17 out of their car, they walked up to Jerry Ray 18 and there was a period of 30 seconds where 19 they kicked his shoe, they had some contact, 20 they were telling him to get up. 21 Lieutenant, can we agree that at 22 that point they should have removed Jerry Ray 23 from the street? 24 A. What position was he in? 25 Q. He's laying on the street, not injured, they</p>
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<p>1 Q. -- or is that something he just did? 2 A. He just did it. 3 Q. Okay. In your experience back in '09 and '10 4 when he was on your turn and you saw him and 5 the way he would use his car to block 6 intersections, did you ever observe any types 7 of problems or did he always do it 8 appropriately and properly? 9 A. I never seen anything out of the ordinary. 10 Q. Okay. With your experience in how he would 11 use his car to block an intersection one to 12 two years before this particular instance, any 13 explanation you can give why he wouldn't have 14 used his car to block the intersection on 15 October 16, 2011? 16 A. That's a really big intersection. I mean, you 17 can't block the whole intersection with one 18 car. 19 Q. That's fair, but he could have used his car to 20 block Jerry Ray and protect him from motorists 21 coming from the southerly directions. 22 A. Okay. 23 Q. Right? 24 A. I wasn't there. I don't know what he did. 25 Q. Okay. Assuming that Jerry Ray is laying on</p>	<p>1 have contact, they're standing over him for a 2 period of 30 seconds. 3 Any reason why they wouldn't have 4 both taken an arm and moved him from the 5 roadway? 6 A. I don't know why they didn't do that. 7 Q. Okay. Can we agree that that's what they 8 should have done? 9 A. I'm not going to speculate, because I wasn't 10 there. I mean, I don't know what they were 11 doing. 12 Q. Okay. Assuming these facts to be true -- I 13 understand you're not there, but assuming 14 either you had been there or you were training 15 your patrolmen on how to react in this 16 particular situation, if you've got somebody 17 in the roadway, you've got two officers and 18 they're standing over him, any reason in the 19 world you wouldn't instruct your patrolmen to 20 get him out of the street? 21 MR. CAMBEST: Objection. You're 22 note stating the whole facts. You're not 23 stating that the gentleman was laying in the 24 roadway, they didn't know whether or not he 25 was injured or not. You know, if you're going</p>

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<p>1 to call for backup?</p> <p>2 Is that something that you might</p> <p>3 have done if you find someone -- an</p> <p>4 intoxicated individual or an individual</p> <p>5 generally, you don't know why he's in the</p> <p>6 roadway?</p> <p>7 A. Is there another officer with me?</p> <p>8 Q. There's two -- there are two officers.</p> <p>9 Would calling for backup be</p> <p>10 something that you might do?</p> <p>11 A. It depends on how big he is. I mean, I don't</p> <p>12 know what this guy looks like. If he's a real</p> <p>13 big guy, you might need more people to help</p> <p>14 you.</p> <p>15 Q. Assuming he's 6-1 or 6-2 -- 6 foot, 275</p> <p>16 pounds?</p> <p>17 A. Am I going to get on and specifically call for</p> <p>18 backup like I would like for a fight or</p> <p>19 something, no.</p> <p>20 Q. Okay. So you don't think -- you wouldn't call</p> <p>21 for backup in this particular situation?</p> <p>22 A. I possibly might call for another car, but I</p> <p>23 don't know. I'd have to be there.</p> <p>24 Q. Okay. In this situation, is there anything</p> <p>25 else you might do in terms of road flares,</p>	<p>1 probably.</p> <p>2 Q. Because it's unsafe to be wandering through an</p> <p>3 intersection, right?</p> <p>4 A. The danger is there.</p> <p>5 Q. The officers testified that they don't try to</p> <p>6 grab him, they don't try to stop him, they</p> <p>7 just give verbal commands to stop and he</p> <p>8 doesn't, he keeps walking and they just follow</p> <p>9 behind him.</p> <p>10 Is that proper procedure just to</p> <p>11 follow behind a suspect when they're wandering</p> <p>12 through a very busy -- a potentially busy</p> <p>13 intersection?</p> <p>14 A. Possibly they might have been trying to</p> <p>15 evaluate what their next step was going to be.</p> <p>16 Q. Okay. Is that proper procedure to just follow</p> <p>17 behind somebody in the middle of an</p> <p>18 intersection that can become very dangerous</p> <p>19 very quickly?</p> <p>20 A. I don't think there's any procedure on that.</p> <p>21 I think it's just, you know, things happen in</p> <p>22 a split of a second and you do the best you</p> <p>23 can with what you're presented with, and if</p> <p>24 the guy is walking away from them, you</p> <p>25 definitely don't want to get in a fist fight</p>
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<p>1 anything like that?</p> <p>2 A. No.</p> <p>3 Q. Now, there's been testimony and the reports</p> <p>4 note that Jerry Ray gets up and starts to walk</p> <p>5 away from the officers.</p> <p>6 Is there any reason that you can</p> <p>7 identify why the patrolmen wouldn't have</p> <p>8 immediately detained Jerry Ray and stopped him</p> <p>9 from walking away?</p> <p>10 A. I'd have to be there. I mean, I don't know if</p> <p>11 there's other cars coming where they couldn't</p> <p>12 get to him right away or --</p> <p>13 Q. No cars at that time, no cars are coming. He</p> <p>14 just stands up and starts to walk away.</p> <p>15 Assuming those are the</p> <p>16 circumstances, any reason why the patrolmen</p> <p>17 shouldn't have grabbed him at that point and</p> <p>18 detained him?</p> <p>19 A. I think I would have tried talking to him a</p> <p>20 little bit more to see exactly what was wrong</p> <p>21 with him instead of grabbing him.</p> <p>22 Q. Would you have let him walk away from you,</p> <p>23 walk away in an intersection, or would you</p> <p>24 have tried to stop him?</p> <p>25 A. I would have tried to stop him from crossing,</p>	<p>1 or wrestling match with him in the middle of</p> <p>2 the road, so if he's going to a place of</p> <p>3 safety or across the street towards the</p> <p>4 sidewalk, I don't see a problem with, you</p> <p>5 know, making sure everybody gets to the other</p> <p>6 side of the street and then continue to deal</p> <p>7 with him.</p> <p>8 Q. Okay. So you would just let him wander away</p> <p>9 from you and follow him?</p> <p>10 You think that's proper procedure?</p> <p>11 A. I didn't say that.</p> <p>12 Q. Okay. Well, I just want to know your</p> <p>13 perspective, what you would do.</p> <p>14 If a suspect is getting up and</p> <p>15 walking away from you and wandering in a</p> <p>16 potentially dangerous intersection, what would</p> <p>17 you do?</p> <p>18 MR. CAMBEST: He already answered</p> <p>19 that question.</p> <p>20 MS. ELSESEN: No, he didn't.</p> <p>21 MR. CAMBEST: And you keep making</p> <p>22 statements and not asking questions. You need</p> <p>23 to ask a question, so I'm going to object to</p> <p>24 the form.</p> <p>25 BY MS. ELSESEN:</p>

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<p>1 Q. Okay. Can we also agree that if an officer 2 fails to take those reasonable measures, then 3 that particular person could be injured by a 4 motorist? 5 A. The officer or the person that's injured? 6 Q. The person that's injured. 7 A. If anybody is in the roadway, they're 8 susceptible to be injured. 9 Q. Lieutenant, would it be reasonable -- if you 10 have an individual, you've detained him, 11 you've immobilized him with handcuffs, would 12 it be then reasonable to recognize that there 13 needs to be some type of a flashlight or a 14 strobe light activated to protect you as the 15 officer and your suspect while you're in the 16 roadway? 17 A. Just because you handcuff somebody, doesn't 18 mean you immobilize them. 19 Q. Okay. 20 A. I mean, they still can kick you. They could 21 still get up and run away. 22 Q. Assuming that they're laying down and they're 23 handcuffed, we can agree it's difficult for 24 someone that doesn't have the use of their 25 arms and hands to be able to get up with any</p>	<p>1 near where you are with your suspect? 2 A. That's reasonable. 3 Q. Even more of a reason to have a strobe light 4 or a flashlight illuminating where you are, 5 right? 6 A. If you choose to turn it on, yeah. I mean, I 7 don't know. I don't know what I would have 8 did if that was me. 9 Q. In your experience, are there a higher 10 percentage of intoxicated individuals after -- 11 anywhere after 1 or 2 a.m. on a Saturday night 12 into Sunday morning? 13 A. In this town? 14 Q. Yes. 15 A. Any time. 16 Q. Okay. Do you recognize, or in your 17 experience, had there been a higher percentage 18 of intoxicated individuals Saturday night 19 after 2 a.m. versus during the day on a 20 weekday? 21 A. No. 22 Q. So intoxicated individuals all the time any 23 time? 24 A. Yep. 25 Q. Are officers trained that they should be even</p>
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<p>1 great ease, right? 2 A. No, I've seen people get up that's handcuffed. 3 Q. Easily? 4 A. Yeah. 5 Q. So you think handcuffs don't immobilize 6 anybody? 7 A. If they know what they're doing, they can get 8 up on their knees onto their feet and run. 9 I've seen it. 10 Q. Okay. Well, assuming that they are in 11 handcuffs, they're not immobilized, is it 12 reasonable to need to use a strobe light or a 13 flashlight to signal to motorists that you 14 have an individual in the roadway, you've got 15 handcuffs on him, and you're in the middle of 16 the street? 17 A. If I was in the street, I'd probably have a 18 flashlight. 19 Q. Okay. Does it also make sense to have a 20 flashlight when your police car, which isn't 21 located nearby, has the flashing lights and is 22 located in the opposite area of the 23 intersection and you recognize that a motorist 24 traveling down the street might be distracted 25 by a police car with its lights on that isn't</p>	<p>1 more aware at certain times of the night on 2 weekend nights for intoxicated individuals? 3 A. No, you're on alert for any problems any time 4 you work. 5 Q. Lieutenant, do you agree that when you have a 6 suspect in your custody, that you own them and 7 you're 100 percent responsible for their 8 safety? 9 A. Yes. 10 Q. Officer Markley testified that after this 11 incident occurred, he was told by his 12 supervising lieutenants and detectives that he 13 did nothing wrong, he did everything 100 14 percent correct. 15 Now that you know that he did not 16 use his car to block Jerry Ray when you first 17 encountered him, is that the kind of advice or 18 statement that you would have made if you had 19 been his lieutenant? 20 MR. CAMBEST: Objection to the form 21 of the question. That's a mischaracterization 22 of his testimony. 23 Q. You can answer. 24 A. I'm not going to speculate. I wasn't there. 25 Q. Okay.</p>

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WASHINGTON POLICE

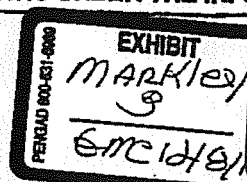
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2111 - DRIVING UNDER THE INFLUENCE - ALCOHOL

Main Narrative

PTL JAMES MARKLEY (57)



PLAINTIFF'S
EXHIBIT
18
No. 13-1483

10/16/2011 02:14 - 57 PTL JAMES MARKLEY

OFFICER CAIN AND I WERE IN CITY POLICE UNIT #9032 WHEN WE WERE TRAVELING EAST ON WEST CHESTNUT STREET AND WHEN WE APPROACHED THE INTERSECTION OF JEFFERSON/CHESTNUT. AS WE APPROACHED THIS INTERSECTION, I OBSERVED TWO VEHICLES AT THE LIGHT, AN SUV AND A WHITE SEDAN TURNING RIGHT. JUST AFTER THE WHITE SEDAN TURNED RIGHT ON JEFFERSON, I NOTICED VICTIM LYING IN BETWEEN THE TWO SOUTHBOUND LANES, IN THE SOUTHWEST CORNER OF THE INTERSECTION. AT THIS POINT, I ACTIVATED MY EMERGENCY LIGHTS/PARKED MY VEHICLE, GOT OUT AND WENT TO CHECK ON THE VICTIM. AS I APPROACHED THE VICTIM, HE STOOD UP AND BEGAN STAGGERING TOWARDS THE NORTHEAST CORNER OF THE INTERSECTION. I GAVE THE VICTIM VERBAL COMMANDS TO STOP, HE TURNED AROUND AND LOOKED AT ME/ACKNOWLEDGE ME, BUT THEN TURNED AROUND AGAIN AND STARTED BACK TOWARDS THE NORTHEAST CORNER OF THE INTERSECTION, DURING WHICH HE SEEMED TO BE REACHING IN HIS POCKETS. CONSIDERING HE WAS REACHING IN HIS POCKETS AN WAS BIGGER THAN ME, NOT KNOW WHETHER OR NOT HE WOULD TURN AROUND WITH A WEAPON, I REMOVED MY TASER FROM MY HOLSTER MIDWAY THROUGH THE INTERSECTION. ONCE AT THE NORTHEAST CORNER OF THE INTERSECTION, HAVING ALREADY TOLD CAIN #062, TO "CALL IT OUT," ON THE RADIO, I ORDERED THE VICTIM TO THE GROUND TO KEEP HIM FROM RE-ENTERING THE INTERSECTION, TO AVOID HIM RUNNING FROM ME, AND BECAUSE IT WAS UNSURE OF WHETHER OR NOT HE HAD WEAPONS. JUST AS I THOUGHT HE WAS ABOUT TO COMPLY/SIT DOWN, HE FELL BACKWARDS, BOUNDED OF A LIGHT POLE AND FELL INTO THE RIGHT HAND LANE (NORTHBOUND) IN THE NORTHEAST CORNER OF THE INTERSECTION. OFFICER CAIN AND I THEN APPROACH HIM AGAIN AND HE WAS ATTEMPTING TO USE/HOLDING A CELL PHONE WHILE ON THE GROUND. I TOOK HIS CELL PHONE FROM HIM AND HE WAS HANDCUFFED. OFFICER CAIN WAS THEN ADVISED TO ACTIVATE THE STROBE LIGHT FEATURE ON HIS FLASHLIGHT BEING AS HOW WE WERE IN THE ROAD. OFFICER CAIN THEN INFORMED ME HE WAS GONG TO BRING OUR POLICE CAR OVER TO THE AREA FOR US TO GET HIM OUT OF THE ROAD AND 911 WAS NOTIFIED OF WHERE WE WERE.

THIS WAS THE THIRD TIME CAIN AND I HAD ATTEMPTED TO MAKE CONTACT WITH 911 AND THIS TIME WE WERE ACKNOWLEDGED. CAIN THEN HEADED TOWARDS HIS/OUR CAR, AND I BEGAN PULLING OUT MY OWN FLASHLIGHT. THE VICTIM THEN LOOKED AT ME AND STATED "I'M NOT GIVING YOU A HARD TIME MAN, I'M NOT GIVING YOU A HARD TIME." I LOOKED AROUND, I LOOKED BACK AT THE VICTIM AGAIN AND SAID "OK, LISTEN, WITH YOUR LEFT LEG, WE'RE GOING TO GET OUT OF THE ROAD, WITH OUR LEFT LET, PULL YOUR KNEE UP TO YOUR CHEST." THE VICTIM DID AS I ASKED. THEN I LOOKED OVER MY LEFT SHOULDER AND SAW HEADLIGHTS APPROACHING. UNSURE OF WHETHER OR NOT THE CAR WAS SLOWING DOWN, I LOOKED BACK AT THE VICTIM, GRABBED A HOLD OF HIM, LOOKED BACK THE THE HEADLIGHTS THAT WERE OBVIOUSLY QUICKLY APPROACHING, AND DECIDED TO TRY AND PULL THE VICTIM OFF THE SIDE OF THE ROADWAY. BEING THAT THE APPROACHING VEHICLE WAS COMING TOWARDS ME FAST AND I WAS WORRIED ABOUT BEING STRUCK, HAVING A GRIP ON THE VICTIM, I TRIED TO PULL ON HIM AS I RAN TO SAFETY MYSELF. JUST AS I REALIZED HE WAS TOO HEAVY TO MOVE, I GOT OUT OF THE WAY, JUST AS I TURNED TO RUN OUT OF TRAFFIC AND MY BACK WAS TURNED FOR NO MORE THAN A SECOND, I HEARD THE VEHICLE STRIKE THE VICTIM. ONCE I GOT MY FOOTING BACK AND TURNED AROUND I SAW THE VICTIM STILL LYING IN THE ROADWAY AND THE VEHICLE SLOWING/COMING TO A REST JUST BEFORE THE CHURCH AT JEFFERSON/HALL. CAIN WAS ABOUT TO PULL UP IN THE CAR WHEN I ADVISED 911 TO SEND ME AN AMBULANCE AND GET THE LIFE FLIGHT ON THEIR WAY.

OTHER POLICE UNITS THEN ARRIVED ON THE SCENE, CAIN SPOKE WITH THE SUSPECT/DRIVER. CAIN THEN INFORMED ME THAT THE SUSPECT HAD LEFT WORK, WENT TO THE INDEPENDENCE CLUB AND "HAD A FEW BEERS", ACCORDING TO THE SUSPECT. THE SUSPECT WAS REMOVED FROM THE HIS VEHICLE AND GIVEN FIELD SOBRIETY BY THIS OFFICER. THE FIRST TEST WAS THE ONE LET STAND, AND HE COULD NOT KEEP HIS LEG OFF THE GROUND FOR MORE THAN ONE SECOND. THE SECOND TEST GIVEN WAS THE NINE STEP HEEL-TO-TOE AND HE COULD NOT WALK HEEL TO TOE AND ALMOST FELL OVER WHEN TURNING AROUND. THE THIRD TEST WAS THE FINGER TO NOSE WHERE HE WAS TOLD TO TOUCH HIS NOSE WITH HIS FINGER AND BRING HIS HAND BACK TO WHERE IT WAS AT THE BEING OF THE TEST, BUT KEPT HIS FINGER ON HIS NOSE ONCE HE TOUCHED IT.

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2111 - DRIVING UNDER THE INFLUENCE - ALCOHOL

Main Narrative

PTL JAMES MARKLEY (57)



THE SUSPECT WAS TAKEN INTO CUSTODY AND TRANSPORTED TO WASHINGTON HOSPITAL TO GIVE BLOOD FOR BAC READING. SGT. SULERUD TOOK PHOTOGRAPHS OF THE SCENE AND THE SUSPECT'S VEHICLE WAS IMPOUNDED BY ISIMINGERS TOWING. THE SUSPECT WAS BROUGHT BACK TO THE STATION AND LATER RELEASED TO A FAMILY MEMBER, PEGGY RISBIN.

THE BLOOD EVIDENCE WAS PLACED IN THE EVIDENCE REFRIGERATOR. CHARGES ARE PENDING BASED ON BAC LEVELS AND CONDITION OF VICTIM.



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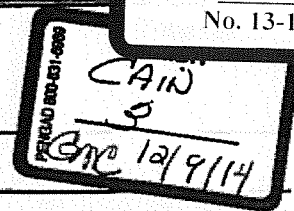
WASHINGTON CITY POLICE DEPARTMENT

Supplemental Report

PLAINTIFF'S
EXHIBIT

19

No. 13-1483

Date of Report 10/16/11Case Name or Case Number 11008941Suspect James Risbin

On 10/16/2011 at 0814 hrs this officer was the front seat passenger in City of Washington Police Unit 90-38. At or around 0814 hrs myself and Ptm James Markley approached the intersection at Jefferson and Chestnut Street, traveling east bound. As 90-38 approached the intersection there was a steady red light facing eastbound traffic with two vehicles sitting at the light, a SUV going straight and a WVV sedan turning right on Jefferson. When the light turned green for eastbound traffic, this officer and officer Markley noticed the victim, Jerry Ray DOB 3/5/65 lying in the southwest corner of the intersection. Officer Markley activated our units emergency lights and parked our unit at the southwest corner of the intersection. Both this officer and officer Markley exited the vehicle and approached the victim, Jerry Ray. Officer Markley was the first officer to make contact with victim Ray, as Officer Markley approached the victim the victim stood up and started walking toward the northeast corner of the intersection. The victim appeared to be very intoxicated and could barely maintain his balance. As the victim approached the northeast corner of the intersection he walked into the traffic light pole and fell back into the right traffic lane of Jefferson Ave. Officer Markley advised this officer to notify Washington Control of an intoxicated pedestrian when we got out of the car, this officer was unable to reach control at that time. Officer Markley was able to reach control once the victim hit the pole and fell back into the roadway. Once the victim fell into the roadway this officer and officer Markley placed handcuffs on the victim and advised the victim he was being placed under arrest for public intoxication. This officer used a flashlight on a flash setting to warn oncoming traffic that we were on the roadway. Once the victim was handcuffed, this officer advised officer Markley that I was going to move our police unit toward the northeast corner to warn oncoming traffic. As this officer got into the police unit I noticed the suspects vehicle traveling northbound on

Report submitted by: Michael CamRank Off

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Page No. 2003

WASHINGTON CITY POLICE DEPARTMENT

Supplemental Report

Date of Report 10/16/11Case Name or Case Number 11008941Suspect James Ristin

Tolson Ave in the right travel lane. As this officer started to move the car the suspect traveled through the intersection at Tolson and Chestnut traveling northbound, suspect did have a green light. The suspect then struck the victim who was lying in the roadway, who was trying to be moved from roadway by officer Markley. The victim was struck by the front passenger side of the suspect's vehicle, and dragged approximately 15 feet. The suspect's vehicle traveled approximately 50 feet further northbound. The suspect at this point backed this vehicle up to where the victim was lying. This officer pulled the police unit toward the northeast corner of the intersection, blocking north bound traffic. At this point officer Markley called control and advised them that the victim was hit by a vehicle and requested EMS and have a helicopter on standby. As officer Markley checked on the victim, this officer checked to see if the suspect was injured. The suspect stated he was not injured and was looking at the police unit being moved by myself and did not see the victim and officer Markley in the roadway. The officer asked the suspect if he had just lost work, because the suspect had a uniform jacket on, the suspect stated he just left the Independence Club and he has a couple drinks. The suspect performed field sobriety test and was transported to The Washington Hospital for a blood draw, to determine BAC. The victim was transported by EMS and the suspect was released to his sister Peggy Ristin.

Report submitted by: Michael CainRank 063

WASH 38

**PLAINTIFF'S
EXHIBIT**
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No. 13-1483

TOXICOLOGIST'S REPORT

on the

Jerry Lavelle Ray Incident

By:

Michael J. McCabe, Jr., Ph.D., DABT, ATS

September 24th 2015

Robson Forensic
Engineers, Architects, Scientists & Fire Investigators

Ray Incident

TOXICOLOGIST'S REPORT

September 24th 2015

A. INTRODUCTION

On October 16th 2011 at approximately 2:15 AM, while handcuffed and being taken into police custody, Jerry Lavelle Ray, Jr. (DOB :) was lying in the road near the northeast corner of the intersection of Jefferson Avenue and West Chestnut Street in Washington, Pennsylvania when he was struck and run over by a vehicle being driven by James M. Risbin. Ray sustained severe injuries as a consequence of these events. According to the police narrative (i.e., Patrolman Markley) of the incident, Ray initially was observed lying in the roadway between the southbound lanes of Jefferson Avenue near the southwest corner of the intersection. According to Officer Markley's account, when he first approached Ray, Ray stood up and began staggering toward the northeast corner of the intersection and he seemed to be outwardly intoxicated. Ray reportedly fell down near the northeast corner of the intersection and he was in the process of being detained (e.g., he had been handcuffed) when he was struck by Risbin's vehicle. Ray was transported emergently for treatment of his injuries to University of Pittsburgh Medical Center, where a blood specimen obtained at 4:00 AM revealed a serum alcohol concentration of 126 mg/dl. Also, Risbin, who was found to have a blood alcohol concentration of 0.154%, was charged in connection with this incident with driving under the influence of alcohol.

The purpose of my investigation was to determine

- 1) if Ray's level of intoxication (i.e., blood alcohol concentration) was consistent with and predictive of outward signs of intoxication as described by the police.
- 2) if Risbin's level of intoxication (i.e., blood alcohol concentration) was consistent with and predictive of impairment of divided attention tasks required to safely operate a motor vehicle.

B. MATERIALS AVAILABLE FOR REVIEW

1. Police File, which includes the following:
 - a. The City of Washington Police Department Criminal Investigation Report
 - b. Commonwealth of Pennsylvania Police Crash Reporting Form
 - c. Stat MedEvac Report
 - d. City of Washington Fire Department EMS Report
2. UPMC Records – Jerry Ray Medical Records
3. Report of Bruce A. Wright, MD
4. Deposition transcript of Jerry Lavelle Ray dated December 18th 2014
5. Deposition transcript of James Risbin dated April 23rd 2015
6. Deposition transcript and Exhibits of Michael Cain dated December 9th 2014
7. Deposition transcript and Exhibits of James R. Blyth dated May 19th 2015
8. Deposition transcript and Exhibits of Matthew Day dated March 26th 2015

9. Deposition transcript and Exhibits of Christopher Luppino dated May 8th 2015
10. Deposition transcript of Kenneth Bollinger dated March 26th 2015
11. Deposition transcript of John Yancosek dated May 6th 2015
12. Deposition transcript and Exhibits of Daniel Stanek dated May 6th 2015
13. Deposition transcript and Exhibits of James Markley dated December 8th 2014
14. Deposition transcript and Exhibits of Stephen Colecchi dated May 8th 2015
15. Deposition transcript of Michael Sulerud dated August 31st 2015

C. DESCRIPTION OF THE INCIDENT AND BACKGROUND

Officers Markley and Cain reported that at approximately 2:15 AM on the incident date they were on patrol together in a police cruiser when they observed Ray lying in the southbound lane of traffic in the southwest corner of Jefferson Avenue and West Chestnut Street. There were other (i.e., civilian) vehicles waiting at the intersection when the officers reportedly first noticed Ray. Officer Markley reported that when he first approached Ray, he stood up and began staggering toward the northeast corner of the intersection, and he (Ray) ignored Markley's verbal commands to stop. Markley reported that Ray was outwardly intoxicated. Out of concern for his safety, Officer Markley stated that he ordered Ray to the ground, but Ray instead fell to the ground again in the vehicle travel lane within the intersection. Markley reportedly handcuffed Ray, and was in the act of assisting Ray from the roadway, but failed to do so, which resulted in Ray being struck by Risbin's vehicle which was traveling northbound on Jefferson Avenue. Ray sustained severe injuries as a consequence of being struck by Risbin's vehicle. He was transported emergently for treatment of his injuries to University of Pittsburgh Medical Center, where a blood specimen at 4:00 AM revealed a serum alcohol concentration of 126 mg/dl.

Risbin had been drinking at a nearby bar after work. He was traveling home when he came upon the commotion occurring in the intersection caused by the police detaining Ray. The police report documents that "distracted driver" (i.e., Risbin) was a cause of the incident. Risbin failed standardized field sobriety testing and a blood specimen obtained from him at 3:06 AM revealed a blood alcohol concentration of 0.154%.

D. ANALYSIS

Toxicology involves the study of the adverse effects of drugs and chemicals on human health and human performance. Accordingly, every toxicology issue involves two general aspects;

- 1) analysis of the exposure (in this case the doses of alcohol that Ray and Risbin consumed – the amount they drank and when they drank it) and,
- 2) analysis of the decrement in human performance caused or predicted by that dose (i.e., Ray's alleged manifestation of outward signs of intoxication while first interfacing with the police; Risbin's ability, or lack thereof, to safely operate a motor vehicle.

Dose is a fundamental principle of toxicology. Dose is defined as the amount of a drug (in this case alcohol) taken over a period of time. Accordingly, the toxicologist's concern invariably and

necessarily involves the reconstruction of dose either based on the application of pharmacokinetic¹ (preferable) or pharmacodynamic principles, or both.

Also important in the analysis of dose in the context of alcohol-related incidents is the concept of *standard drink*. A standard drink is defined by toxicologists and the alcoholic beverage service industry as a drink that contains 14.02 grams of alcohol - the equivalent amount of ethyl alcohol present in 5 ounces of wine (12% v/v), 12 ounces of beer (5% v/v) or 1.5 ounces of 80 proof (40% v/v) liquor.

Absorption, Distribution, Metabolism and Elimination (ADME) of Alcohol.

Absorption, distribution, metabolism and elimination (ADME) are fundamental toxicological principles applicable to many drugs and chemicals. The ADME of alcohol has been thoroughly studied through numerous scientific investigations. The information gleaned from these studies can be applied to reliably predict the blood alcohol concentration (BAC) vs. time profiles in forensic circumstances similar to this particular case.

Absorption of alcohol refers to its passage from the gastrointestinal tract into the bloodstream. Alcohol is absorbed across the gut epithelium into blood. Most of the absorption occurs in the small intestine, where the large surface area and rich blood supply facilitates alcohol uptake. Alcohol absorption into the blood most often is complete within 30 minutes following social alcoholic beverage consumption. However, peak absorption can vary (15 to 90 minutes is a reasonable estimate) following cessation of drinking depending on the circumstances and contributions of influencing factors. Examples of factors that influence the rate of alcohol absorption include amount consumed, rate of consumption, contents of the gastrointestinal tract, alcohol concentration of the beverage, and mixer type. While thirty minutes is a reasonable and conservative estimate of the time required for Ray to have reached the post-absorptive state following the consumption of his last drink, the time and location where he consumed his last drink is not entirely clear. Risbin's evidentiary blood alcohol concentration was determined at 3:06 AM (i.e., nearly 45 minutes after Ray was run over). As such, Risbin likely had achieved the post-absorptive state of alcohol pharmacokinetics by the time that his blood sample was collected, which means that his evidentiary blood alcohol test result of 0.154% is a reliable indicator of his state of intoxication at the time that he ran over Ray.

Distribution of alcohol refers to its partitioning into various body tissues including the brain where it acts as a central nervous system depressant. The distribution of alcohol, once absorbed, is largely a function of its equilibration with the body's water content. Generally speaking, the more an individual weighs, the more body water he or she has and the lower the BAC would be from the consumption of a given amount of alcohol (all other factors being equal).

¹ In layman terms pharmacokinetics describes what the body does to a drug (i.e., absorption, distribution, metabolism, elimination), while pharmacodynamics describes what the drug does to the body (e.g., alcohol is a CNS depressant).

Ray was reported to be a 46 year old man standing 71.5 inches tall and weighing approximately 257 pounds at the time of this incident. As such, his total body water content as calculated via the Watson formula is estimated to be approximately 56.8 liters.

Alcohol distributes within the human body as a function of water content. Since the water content of serum is higher than that of whole blood, Ray's serum alcohol concentration of 126 mg/dl as measured by the University of Pittsburgh Medical Center laboratory is expectedly higher than his corresponding blood alcohol concentration. Given Ray's hematocrit value of 41.2%, which also was determined via blood tests connected with his treatment at the hospital, his serum to whole blood alcohol conversion factor can be calculated as 1.15:1 (serum:whole blood), which is well within the expected population range of 1.02:1 to 1.25:1 (serum:whole blood). As such, **Ray's measured serum alcohol concentration of 126 mg/dl corresponds to a blood alcohol concentration (BAC) of 0.110% on his blood sample collected at 4:00 AM.**

Elimination of alcohol refers to its removal from the body by excretion through breath, sweat or urine or as a result of its metabolism. Most of the elimination of alcohol occurs as a result of its metabolism by liver enzymes. Most social drinkers metabolize and eliminate alcohol at a constant rate between 0.010 to 0.025 grams per deciliter per hour with an average elimination rate of 0.018 g/dL per hour. It is reasonable to expect that Ray was metabolizing alcohol at an average rate of 18 mg/dL per hour or within a range experienced by the majority of social drinkers (i.e., β factor between 0.01 to 0.025 g/dL per hour). Variation in Ray's actual rate of metabolism within this range was considered in ensuing calculations. Finally, although the discussion of alcohol ADME was separated out for this report, it is important to point out that these processes are occurring simultaneously at any given time.

These factors pertaining to the ADME of alcohol can be applied using standardized calculation to quantify the number of alcohol beverages that Ray had distributed within his body at the time that he interfaced with the police. Based on a BAC value of 0.141% (see next paragraph for rationale), Ray's circulating alcohol burden (CAB) at 2:15 AM was 99.3 grams - a lower limit estimate of the amount of alcohol that he had consumed (i.e., ~ 7.1 standard drinks). Ray's recollection of events related to this incident was murky. He testified that he had been at a bar where he had had a couple of drinks and then he walked out the door and started walking toward a Walgreen's Pharmacy located nearby where the incident occurred.

Using retrograde extrapolation based on Ray's BAC of 0.110% at 4:00 AM and the range of alcohol elimination rates discussed above (i.e., average rate of elimination of 0.018 g/dl per hour with a low and high rate of elimination of 0.01 g/dl and 0.025 g/dl, respectively), **Ray's BAC at the time of the incident at approximately 2:15 AM was 0.141% (range = 0.128% to 0.154%).** A more conservative analysis considers that Ray was not in the post-absorptive state of alcohol pharmacokinetics at the time of the incident. Accordingly, in such a scenario, the objective data (i.e., Ray's serum alcohol concentration of 128 mg/dl at 4:00 AM) informs that his peak blood alcohol concentration occurred at 2:45 AM at a level of 0.132% (range = 0.122% to 0.141%). Under this conservative scenario Ray's BAC at the time of the incident (i.e., 2:15 AM) was < 0.132% (range = 0.122% to 0.141%).

Relationship between Blood Alcohol Concentration and Functional Impairment (i.e., Pharmacodynamic Effects of Alcohol Intoxication)

Alcohol is a central nervous system depressant. Accordingly, behavioral aberrations and performance deficits due to alcohol are explained by its effects on various regions of the brain and its ability to non-specifically alter the activities of various neurotransmitter receptors and signaling. The intensity of its CNS depressant effects is proportional to the concentration of alcohol in the blood, and the sensitivity of various brain regions that control various functions. In any individual, impairment due to alcohol intoxication progresses through stages as follows:

- Euphoria (BAC = 0.03% to 0.12%) characterized, in part, by loss of inhibitions and diminished attention, judgment and self-control; pharmacological effect of alcohol on the frontal lobe area of the brain.
- Excitement (BAC = 0.09% to 0.25%) characterized progressively by emotional instability, loss of critical judgment, impaired perception, memory and comprehension, decreased sensory response, increased reaction time, sensory motor in-coordination, impaired balance, slurred speech, vomiting, drowsiness; pharmacological effect of alcohol involves increased frontal lobe decrements and beginning stages of parietal lobe and occipital lobe effects.

Ray's blood alcohol concentration at the time (i.e., 2:15 AM) that he was first interfacing with the police was consistent with biobehavioral indices of impairment consistent with the excitement stage of acute alcohol effects.

- Confusion (BAC = 0.18% to 0.30%) characterized, in part, by disorientation, mental confusion, apathy, lethargy, exaggerated emotional states, disturbances of vision, staggering and slurred speech; pharmacological effects include the above with more pronounced effects on occipital lobe.
- Stupor (BAC = 0.25% to 0.4%) characterized, in part, by marked muscular in-coordination (inability to stand or walk) and impaired consciousness; death possible; pharmacologic effects include pronounced effects of alcohol on cerebellum, medulla.

Relationship between Blood Alcohol Concentration and Functional Impairment – Consideration of Ray's Outward Signs of Intoxication

The progressive impairing effects of alcohol (i.e., loss of inhibitions, followed by impaired judgment, followed by delayed reaction time, followed by loss of motor coordination) are a function of the sensitivity of the specific brain regions controlling these processes to alcohol (as indicated above). Although alcohol affects people differently, progressive impairment of these CNS-controlled activities has been associated with relatively well-defined BAC levels as indicated above. Visible signs of intoxication generally fall into the categories of delayed reaction time (e.g., slurred speech) and loss of motor coordination (e.g., staggering).

Impairment in CNS-controlled activities has been associated with relatively well-defined BAC levels. Scientific studies also have established that visible or outward signs of intoxication are present in the majority (i.e., more than 50%) of social drinkers at BACs of about 0.15%. At BAC's of about 0.20%, the overwhelming majority (i.e., > 84%) of all drinkers, including experienced drinkers who may manifest functional tolerance, display signs and symptoms consistent with visible intoxication. Ray was not a naïve drinker. As such, he had developed some form of tolerance to the effects of alcohol. **Practically speaking, this means that the BAC threshold whereby Ray would be expected to exhibit visible or outward signs of intoxication was certainly $\geq 0.15\%$ and probably closer to 0.20%. As indicated above, Ray's BAC at the time that he interfaced with the police was 0.141% (range = 0.128% to 0.154%).**

Relationship between Blood Alcohol Concentration and Functional Impairment – Consideration of Risbin's State of Intoxication and Decrement's in Performance of Divided Attention Tasks

Generally speaking, there are three types of studies that have demonstrated the relationship between alcohol intoxication and driving impairment; 1) epidemiological studies (e.g., population-based studies of drivers involved in motor vehicle crashes), 2) laboratory studies (e.g., experimental assessment of the impact of alcohol intoxication on driving-related skills), and 3) closed course or simulated driver studies.

The strong association between alcohol intoxication and increased risk of automobile crashes has been extensively documented in epidemiological studies. One recently published large scale case-control study supports the existence of a notable dose-related decrement beginning at blood alcohol concentrations as low as 0.04 – 0.05 g/dL and increasing exponentially at BACs of 0.10 g/dL or greater. The relative risk of a crash is approximately 22-fold and 30-fold at blood alcohol concentrations like Risbin's of 0.15% and 0.16%, respectively.

Driving a motor vehicle is a divided-attention task. In-other-words, safe driving requires proper apportioning of various learned skills such as; i) steering and maintaining lane position, ii) **awareness of traffic, other drivers, pedestrians, and other objects**, iii) maintaining speed (stopping, slowing, accelerating as conditions require), and iv) route planning. Numerous laboratory studies have been performed to assess impairment of skills important for driving at various levels of intoxication. These skills include assessment of compensatory tracking (i.e., ability to maintain position in lane), visual and auditory perception, reaction time, and other aspects of information processing and psychomotor performance. Studies have demonstrated significant impairment of these skills at blood alcohol concentrations in the 0.05 to 0.08% range and higher. However, it should be emphasized that deficits in such skills are not outwardly obvious (i.e., specialized tests are required to measure such skill deficits). The results of these experimental studies support the conclusion that **the skills required to safely operate a motor vehicle were impaired as a consequence of Risbin's intoxication at a level nearly twice the *per se* limit for driving while intoxicated.**

Risbin's driving impairment manifested as an inability to perform divided attention tasks, which also was evidenced by his testimony (pp. 31-32; p. 73); "As I was proceeding through the intersection, I was rubbernecking looking for an accident, who they pulled over, did somebody wreck? And as I turned around, there was one of the officers pulling Mr. Ray under his arms right in front of me, as I turned around like that (indicating) it was right there." "I glanced right first and then left and then back. Boom."

Q. Okay. It's been your testimony that you did not see the officer and Mr. Ray in the roadway until immediately before striking Mr. Ray; is that correct?

A. Correct.

Q. And it's been your testimony that that's because you were looking at both of the police cruisers that had their lights -- blue and red lights on; is that correct?

A. Yes.

Q. So you were distracted by the police cars; is that correct?

A. Yes.

E. FINDINGS

Within the bounds of a reasonable degree of scientific certainty, based on the information available for review, it is my professional opinion that,

- 1) **Ray's measured serum alcohol concentration of 126 mg/dl corresponds to a blood alcohol concentration (BAC) of 0.110% on his blood sample collected at 4:00 AM.**
- 2) **Ray's BAC was 0.141% (range = 0.128% to 0.154%) at the time that the police reported that he was outwardly intoxicated at approximately 2:15 AM.** A more conservative analysis finds that Ray's BAC at that time was < 0.132% (range = 0.122% to 0.141%).
- 3) the BAC threshold whereby Ray would be expected to exhibit outward signs of intoxication was $\geq 0.15\%$ and probably closer to 0.20%; therefore, **Ray's blood alcohol concentration was not consistent with or predictive of outward signs of intoxication as described by the police.**
- 4) Significant impairment of divided attention task skills has been demonstrated at blood alcohol concentrations in the 0.05 to 0.08% range and higher. Accordingly, **Risbin's level of intoxication (i.e., BAC 0.154%) was consistent with and predictive of impairment of divided attention tasks required to safely operate a motor vehicle, and consistent with his testimony that he was distracted by the police activities occurring in the vicinity as he traveled through the incident intersection.**



Michael J. McCabe, Jr., Ph.D., DABT, ATS

PLAINTIFF'S
EXHIBIT

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No. 13-1483

ARREST PROCEDURE

6. SPECIAL SITUATIONS

- a) In cases involving Retail Theft, if the involved party has been fingerprinted for some reason, the officer must note this on the citation form so that the fingerprint order card be sent to the officer. The fingerprint order card and fingerprint card must be forwarded to the state repository together.
- b) In cases involving Public Drunkenness, it is the responsibility of the arresting officer to contact an interested party to take charge of the defendants care and welfare. The officer may be compelled to detain the defendant for his own good and should follow the rules of criminal procedure until he either feels the person can take care of himself or until the time limitation expires. If possible the arresting officer may at his option transport the defendant to his/her residence.

7. RESTITUTION

- a) A restitution form must accompany the citation if any restitution is involved.

8. JUVENILES - NON TRAFFIC CITATIONS

- a) Parents must be notified if the juvenile is cited for under age drinking. This must be noted on the citation.

9. See PROSECUTION, pages 65-67.



PLAINTIFF'S
EXHIBIT

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No. 13-1483

STUN DEVICES

No officer will playfully, maliciously or intentionally use the unit against another individual unless in the performance of his duties and to gain control of a situation.

Display of power, except for test, playful use, thrusting motions and/or carelessness in the confines of the police station or any other structure is strictly forbidden. Violations of any of the above will result in disciplinary action.

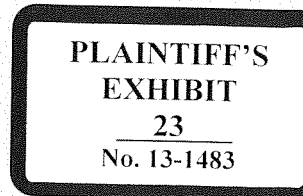
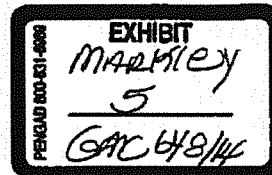
1. The stun device can be used in the following situations:
 - a) against animals such as dogs
 - b) prior to an arrest in an effort to break resistance
 - c) to break up a fight
 - d) extensive crowd control
 - e) to break resistance during the arrest process
 - f) to facilitate a physical search
 - g) to prevent officer injury
 - h) to prevent civilian injury
 - i) to calm a custody situation
2. The stun device will not be used in the following situations:
 - a) against a handgun or other firearm
 - b) against a knife
 - c) to threaten or gain information from a subject
 - d) against a subject already in custody unless physical resistance must be overcome
 - e) to wake a suspected intoxicated individual
 - f) as a "prod"

A. SELF DEFENSE

The stun device can and should be used in conjunction with self-defense of an officer. An officer must determine if he/she is in danger of bodily harm and to what degree to determine the level of force, lethal, non-lethal, verbal, compliance or control to be used. Upon determination, an officer must take appropriate action to control the situation and employ that force which is necessary.

B. USES / ARREST

The actual uses of the stun device will require an arrest be made. Simply a display of power in a "test arc" status will only require completing the optional compliance section of the report. It shall not be required or necessary to effect an arrest at that point and such an arrest will be at the officers discretion providing there is reasonable cause for an arrest.

**FORCE - NON DEADLY**

The following is a force continuum listed in ascending order. This does not mean that an officer must proceed from the lowest level through each phase before using necessary force to control a situation, but that the officer should be aware of the levels and judge which is the most suitable and if it is effective under the circumstances that exist at the time.

- A. **PRESENCE:** May bring compliance with the law or make the actor(s) vacate the area
- B. **VERBAL COMMANDS:** Same as above or the actor(s) may follow specific directions.
- C. **RESTRAINT AND CONTROL:** Stops the person(s) actions and make the situation safe for both the actor and officer.
 - 1. Permitted
 - a) handcuffs
 - b) leg irons
 - c) non-metal cuffs
 - 2. Prohibited
 - a) thumb cuffs
 - b) iron claw
- D. **NON-DEADLY FORCE:** Force that the officer feels is necessary to stop the Actor(s) from harming the officer or another person. The officer may use an amount of force necessary to effect an arrest or to prevent injury.

Chemical Agents – (Refer to page #51)

Contact weapons:

- 1. Permitted
 - a) night stick
 - b) blackjack
 - c) sap gloves
 - d) PR-24 or side handled baton – must have received certificate of training
 - e) Stun device – must have received certification of training and only nova spirit, nova XL5000, Ultron and the Taser X26 are authorized
 - f) Kubaton
 - g) Expandable baton
- 2. Exceptions
 - a) Under exigent circumstances items other than those specified may be used.

Rev 1/08

**PLAINTIFF'S
EXHIBIT**

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No. 13-1483

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

JERRY L. RAY,

Plaintiff,

-VS-

Civil Action
No. CV13-01483-DSC

MICHAEL CAIN; an
individual, JAMES MARKLEY,
an individual; and CITY
OF WASHINGTON,

Defendants.

DEPOSITION OF: KENNETH BOLLINGER

DATE: March 26, 2015
Thursday, 11:52 a.m.

LOCATION: Washington City Hall
55 West Maiden Street
Washington, PA 15301

TAKEN BY: Plaintiff

REPORTED BY: JoAnn M. Brown, RMR, CRR
Notary Public
Reference No. JB37466A

Ray v.
Cain

BOLLINGER
March 26, 2015

<p style="text-align: right;">Page 14</p> <p>1 those or did we ask you to use those 2 parameters? 3 A. I selected those to make sure that I had 4 enough buffer before and after the incident in 5 question to see if I had received any other 6 calls that might be related to the incident 7 that we're discussing today. 8 Q. All right. And I direct you to the third 9 page -- 10 A. Right. 11 Q. -- and that says Event Summary across the top. 12 What are we looking at there, 13 Mr. Bollinger? 14 A. This is the result of the query from the 15 previous page, and this shows that the 911 16 center fielded a total of six incidents for 17 the Washington City Police between 12:30 a.m. 18 and 3 a.m. on October 16, 2011. 19 Q. Okay. And the incident that we're on here 20 today initially started as a call as an 21 intoxicated person, and do you see that call 22 on this? 23 A. Yes, call number 5. 24 Q. Okay. And that's the one at 2:14:51 a.m.? 25 A. Yes.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. No, I don't. 2 Q. All right. And then going backwards to the 3 page before -- well, I guess, now we're on the 4 fourth page, I think. This says Event 5 Information. 6 What does this document reflect? 7 A. This is a shapshot of our CAD report that was 8 generated from event number 5 on the previous 9 page. 10 Q. Okay. And when you say CAD report, what does 11 that mean? 12 A. Any time a police officer provides a 911 13 operator with information, we put it into a 14 computer system, that computer-aided dispatch 15 system. That's what the CAD represents. No 16 matter how minor or how major it is, if we're 17 made aware of a situation, we put it in the 18 computer. 19 Q. And when you receive a call from an officer in 20 the field, do you know who that officer is 21 when they call in? 22 And what I mean by that, if they 23 were to click on their radio and not say 24 anything and click off, would you have any 25 knowledge of who was trying to make that</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. All right. And I notice on that document it 2 says Unit 9032. 3 Is that the police unit? 4 A. That is the primary police unit that the call 5 was assigned to. 6 Q. Okay. As we sit here today, do you have any 7 knowledge of who that was assigned to that 8 night? 9 A. Well, if I look through subsequent 10 documents -- and I caution you this may or may 11 not be accurate -- it shows that the employee 12 was Badge No. 59 from the Washington City 13 Police; however, what my records reflect is 14 the last officer to log into Unit 9032, and 15 sometimes, at shift change, the entire city 16 police department doesn't log on duty with us. 17 There may be moments when they change shifts 18 from an earlier shift where they are extremely 19 busy with calls and they're just doing 20 whatever they can to respond to them and 21 handle them, so it is possible that Badge 59 22 was not even on duty while this incident took 23 place. 24 Q. Okay. And as we sit here, do you know who 25 Badge 59 is?</p>	<p style="text-align: right;">Page 17</p> <p>1 transmission? 2 A. No. 3 Q. They'd have to physically identify themselves 4 as this is Unit 9032? 5 A. Right, they're identifying the car that 6 they're driving, but they're not necessarily 7 identifying who they are personally. 8 Q. All right. So there's no identifier, what I'm 9 getting at, on the police radio so that you 10 know it is? 11 A. We do have those now, but not every police 12 department participate in that program. They 13 have to either update their radios or update 14 the software in the radios to allow us to see 15 that information. I would say, at this point, 16 off the top of my head, half of the county 17 police departments provide us with their 18 quote/unquote caller ID whenever they key up 19 their radio. 20 Q. So it's a fair statement, in 2011, this did 21 not exist with the Washington City Police? 22 A. I believe it's fair to say that it did not 23 exist then, and it still does not exist today. 24 Q. Okay. And as we look at this document then, 25 there's a box here on the right that has a lot</p>

Ray v.
Cain

BOLLINGER
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<p>1 of information in there.</p> <p>2 Can you just kind of decipher what</p> <p>3 it is we're looking at and what it means?</p> <p>4 A. Well, the box on the right is used in</p> <p>5 conjunction with all the other boxes in the</p> <p>6 field. What I can tell you by looking at this</p> <p>7 document and seeing this in my 20 years at the</p> <p>8 911 center is that at 2:14 in the morning on</p> <p>9 February -- I'm sorry, on October 16, 2011,</p> <p>10 Police Unit 9032 made a transmission to the</p> <p>11 911 center requesting that an incident be</p> <p>12 started or telling us that he was simply out</p> <p>13 on an intoxicated person at Jefferson and</p> <p>14 Chestnut in Washington.</p> <p>15 Q. Okay. And that's the initial call.</p> <p>16 Now, have you ever heard of a</p> <p>17 situation where a City of Washington police</p> <p>18 officer or officers have tried to transmit to</p> <p>19 the 911 call center and been unable to reach</p> <p>20 you?</p> <p>21 A. That is possible.</p> <p>22 Q. Have you ever known it to happen?</p> <p>23 A. In the City of Washington, because of their</p> <p>24 proximity to our antennas at the 911 center,</p> <p>25 if it does happen, it could be because another</p>	<p>1 Chestnut?</p> <p>2 A. Three city blocks.</p> <p>3 Q. Okay. And that antenna sits at the top of the</p> <p>4 courthouse?</p> <p>5 A. Yes.</p> <p>6 Q. And that's probably the highest point in the</p> <p>7 city or close to it?</p> <p>8 A. It's close, but it's not the highest.</p> <p>9 Q. All right. And then going down here, the</p> <p>10 initial call is for an intoxicated person. I</p> <p>11 then see that there's a request for EMS and</p> <p>12 helicopter, a vehicle hit by an intoxicated</p> <p>13 pedestrian.</p> <p>14 Am I reading that correctly?</p> <p>15 A. I don't see that as a vehicle was hit by an</p> <p>16 intoxicated pedestrian. I read that as an</p> <p>17 intoxicated pedestrian was struck by a</p> <p>18 vehicle.</p> <p>19 Q. Okay. I misstated that. I apologize.</p> <p>20 A. Okay. That's what I see, although -- there</p> <p>21 was a collision of some sort. I'm not sure</p> <p>22 maybe who hit who.</p> <p>23 Q. Okay. And then it notes there's a case number</p> <p>24 assigned to it and it says for WCP PD56.</p> <p>25 A. Mm-hmm.</p>
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<p>1 unit was also trying to talk at the same time.</p> <p>2 In our more remote police departments, it's</p> <p>3 possible that they key up the radio and we</p> <p>4 don't hear anything. Washington is close</p> <p>5 enough where if they transmit, we hear</p> <p>6 something. However, if two officers transmit,</p> <p>7 we get nothing but a garbled transmission that</p> <p>8 is unintelligible.</p> <p>9 Q. And in terms of -- where is the call center?</p> <p>10 Where is it located?</p> <p>11 A. The call center is located at the intersection</p> <p>12 of Beau and Franklin.</p> <p>13 Q. And how close is that to the intersection of</p> <p>14 West Chestnut and Jefferson?</p> <p>15 A. More relevant to that question would be where</p> <p>16 are antennas located in reference to Jefferson</p> <p>17 and Chestnut. The Washington City Police</p> <p>18 Department utilizes a radio system that has</p> <p>19 receiving antennas in Claysville Borough, in</p> <p>20 North Franklin Township, in the City of</p> <p>21 Washington, and in South Strabane Township.</p> <p>22 Q. And the antenna in the City of Washington, do</p> <p>23 you know where it's located?</p> <p>24 A. On the roof of Courthouse Square.</p> <p>25 Q. Which is how far from Jefferson and West</p>	<p>1 Q. I know those are identifiers.</p> <p>2 Can you tell us what that is?</p> <p>3 A. Above the request for EMS and helicopter, you</p> <p>4 can see that a case number was assigned for</p> <p>5 WCP PD90. That means that immediately my</p> <p>6 dispatcher initiated a case number for PD90,</p> <p>7 which is the Washington City Police</p> <p>8 Department.</p> <p>9 Below the intoxicated pedestrian</p> <p>10 comment, it states that my employee assigned a</p> <p>11 case number to WCP PD56. That would mean that</p> <p>12 she also created an incident number for the</p> <p>13 East Washington Borough Police Department.</p> <p>14 Q. Okay. So PD56 represents the City of East</p> <p>15 Washington?</p> <p>16 A. The Borough of East Washington, yes.</p> <p>17 Q. Borough. Sorry.</p> <p>18 A. Mm-hmm.</p> <p>19 Q. Okay. And then it says MedEvac 1 home and</p> <p>20 available, going to LZ 5401 Shop N' Save back</p> <p>21 slash, back slash less than 5.</p> <p>22 A. Correct.</p> <p>23 Q. What does all that mean?</p> <p>24 A. Whenever an individual police officer,</p> <p>25 firefighter, ambulance requests a helicopter,</p>

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<p>1 assigned by the computer so that you can find 2 it later? 3 A. That is correct. 4 Q. All right. And then it says Unit, or I 5 guess -- 6 A. Primary Unit. 7 Q. -- it's Primary Unit, yeah, and we have 5400. 8 That's the base for Ambulance & Chair? 9 A. Correct. 10 Q. And then 9032 is the police unit that 11 initiated the call? 12 A. That is correct. 13 Q. All right. Thank you. 14 Now I'd like to direct you to the 15 event chronology, and as we look through this, 16 this event chronology, it's done sequentially 17 in time as calls come in, correct, or go out? 18 A. That is correct. 19 Q. All right. And these are recorded -- are they 20 recorded automatically by the computer system, 21 or do you guys have to hit a button to tell 22 the computer to record it? 23 How does this record get generated? 24 A. All event chronologies are generated 25 automatically by the computer-aided dispatch</p>	<p>1 Q. And it says: Supplemental Info Created: 2 Vehicle; and then there's State, PA; License, 3 211. 4 Can you tell us what all that means? 5 A. Any time we put a call in, there's a field 6 available to the 911 operator to enter a 7 license plate related to the incident, be it 8 for a traffic stop if the officer provides a 9 license plate, or maybe it's a theft of gas 10 from a convenience store that's in there. In 11 order for it to work, initially when we got 12 this system in 2008, the employee had to type 13 in the state, Pennsylvania, the license year, 14 which is the current year, the license type, 15 be it a PC for a passenger car or a TK for a 16 pick-up truck, and then type the digits of the 17 plate in. We made some adjustments to our 18 computer-aided dispatch system to default to 19 Pennsylvania, 2011, and PC. So that 20 information gets put in in every call, but if 21 there's no plate associated with it, you'll 22 see that there's no field that says plate 23 equals and gives a plate, because we didn't 24 put one in for this incident. 25 Q. All right. Because you're dealing with an</p>
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<p>1 system based on key strokes that are made by 2 my employees. 3 Q. All right. So this event begins at 2:14:51, 4 and we've already established that's the 5 initial call for an intoxicated person and 6 it's Unit 9032. 7 Is all that information accurate? 8 A. That is what it says, yes. 9 Q. Okay. And we think this might be Operator 10 Debra Cadez? 11 A. Yes. 12 Q. 021, right? 13 A. Yes. 14 Q. All right. And at that point, this is a 6 in 15 terms of how important a call is, how urgent, 16 correct? 17 A. Correct. 18 Q. All right. And we see an LOI search, but 19 that's in relation to the area where the call 20 is coming from, Jefferson and Chestnut, 21 correct? 22 A. That is correct. 23 Q. So it's looking for any important information 24 related to that particular intersection? 25 A. That is correct.</p>	<p>1 intoxicated individual, and that's a default 2 line of information that if you have it, 3 you're going to fill it in? 4 A. Correct. 5 Q. Okay. Then it goes on to 2:14:52. Unit, 6 9032. Status, AR. That means arrived? 7 A. That is correct. 8 Q. All right. And then it gives the location 9 again, it gives the employee again, which is 10 90059, and you've already told us that may or 11 may not be accurate. 12 A. That is correct. 13 Q. And we're still within the same time frame. 14 It says Event Comment. It shows the case 15 number that's been assigned. It shows the 16 police unit. Well, actually, it says 17 Washington City Police, and it says PD90, so 18 that's the same identifier for Washington 19 County Police, correct? 20 A. That is correct. 21 Q. All right. And then, in fact, it identifies 22 your operator there as Debbie Cadez? 23 A. Yes, that is the person who created the 24 incident number. 25 Q. All right. And what we just looked at over</p>

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<p>1 that one second of entry, that's how any call 2 would begin, all this information comes up, 3 and the operator either deals with it or 4 enters the information as information comes 5 in? 6 A. That is correct. Had it been an actual 911 7 call, there would have been a lot more 8 detailed information in there, but this was a 9 non-view incident and she typed in what she 10 needed to get it started. 11 Q. All right. And so once our event is started, 12 we get a call then at -- well, actually, what 13 is that at 2:14:59 a.m. from Debbie? It says 14 Event Comment: Vehicle search completed at 15 10/16 at 2:14:59. 16 A. That actually could mean that it took eight 17 seconds for the state to respond that the 18 information provided in the call, which was 19 the license plate, state, year and type, was 20 not sufficient for the state to do a query on 21 it because we didn't fill out a plate, and the 22 state actually -- when we do this, it sends 23 the information to Harrisburg, and then nine 24 seconds later, Harrisburg probably 25 automatically sent back that that's not enough</p>	<p>1 process, so it would appear to me as if at 2 some time after 2:16 he said 9031 will be out 3 with 32, and we dispatched him to the call and 4 immediately marked him on scene just like we 5 did for the initial call. 6 Q. Okay. And just so the record is clear, does 7 that mean he's physically at the scene then 8 when this transmission is received? 9 A. That means that he told us he was at the 10 scene. 11 Q. Okay. Now, prior to his arrival at the scene, 12 I don't see any transmissions in here asking 13 him to respond to the scene. 14 Is it possible that the police are 15 able to communicate through their radios 16 without the 911 call center hearing their 17 transmissions? 18 A. They could talk on telephones. They may have 19 their own private frequency that we're not 20 aware of, although I don't believe that would 21 be the case, or what I typically believe 22 happens is, especially in the City of 23 Washington, they're a tight group of 24 individuals, and when one person calls out on 25 something, if somebody else is close, they go</p>
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<p>1 information, they would need a plate too, but 2 that's the way our system is set up. 3 Q. So that's just an automatic response, there's 4 not enough info here, so nothing? 5 A. Right. 6 Q. All right. And then it says at 2:16:46, 7 Operator 91041. 8 Do you know who that is? 9 A. No, I don't. 10 Q. Okay. Looks like Operator 91041, is that 11 operator getting a call from Unit 9031? 12 A. It appears to me that Operator 91041 overheard 13 a transmission from Police Unit 9031 to add me 14 to the call. 15 Q. Okay. And then that person is identified as 16 Employee 90041? 17 A. Which may or may not be accurate. 18 Q. Okay. And this indicates Jefferson Avenue and 19 West Chestnut Street. 20 Does that mean that this unit is at 21 that location? 22 A. Well, at 2:16:46, Unit 9031 status DP means 23 that we put them on the call at their request, 24 but then again one second later, at 2:16:47, 25 we marked them as arrived, which is a manual</p>	<p>1 there too without being asked. 2 Q. Okay. So it's very possible that this officer 3 heard the initial intox call and drove to the 4 location? 5 A. That is correct. 6 Q. Okay. After he arrives at 2:17:26, 7 approximately 30 seconds later give or take a 8 few seconds -- 9 A. That's correct. 10 Q. -- there's a call, looks like it's going to 11 Debbie Cadez, and it says Event Comment: 12 Request EMS and helicopter? 13 A. Correct. 14 Q. Okay. And then on the very next line, four 15 seconds later, it says Event Comment: Vehicle 16 hit intoxicated pedestrian? 17 A. That's correct. 18 Q. All right. What's your understanding of what 19 that means? 20 A. I believe it to mean that the 911 operator was 21 told that they need a helicopter and an 22 ambulance there. 23 Q. Okay. That whatever the call was originally 24 of just an intoxicated person, it now appears 25 to have elevated to something very different?</p>

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<p>1 A. Yes, although I'm not sure if -- I'm not sure 2 if he initially came across a staggering 3 individual that then later a few minutes 4 needed an ambulance or if he came across 5 somebody who maybe he assumed was intoxicated 6 and laying on the ground and said, oh, start 7 me a number for an intox, and then he got out 8 and looked and saw tire marks or something on 9 his clothing and then decided that this was 10 more than an intox and he needed -- but for 11 some reason -- 12 Q. The situation has changed? 13 A. -- an officer that was on scene told us that 14 they needed a ambulance. 15 Q. The situation has changed, whatever has 16 happened? 17 A. Yes. 18 Q. And it's fair to say you're not working that 19 night, you're not at the scene, you have to 20 rely on the information that you see in front 21 of you? 22 A. That's correct. 23 Q. Okay. Now, I notice, too, when that call 24 comes in, it doesn't have any identifiers as 25 to who actually makes that call. It doesn't</p>	<p>1 hear the transmissions of the Washington 2 Police Department or is he hearing the 911 3 transmissions? 4 A. No, we all hear everything. 5 Q. Okay. So he may have done the same thing as 6 the other unit, gone to the scene to help 7 respond? 8 A. Yes, and I can tell you that East Washington 9 does that a lot. As they're a one-man 10 department, they sometimes get calls that can 11 make them pucker, and the city is the first 12 one there to assist them. So while the East 13 Washington Borough Police Department isn't 14 nearly as busy as the city, they try to keep 15 themselves busy by helping the city as much as 16 possible to reciprocate for the help that the 17 city gives them. This isn't indicative that 18 the city said, I need you to come and help me, 19 it may just be that he showed up on his own. 20 Q. Okay. And then we move down the time line a 21 little bit. At 2:19:33 -- well, actually, if 22 we go up above that, there's a case number 23 assigned. 24 Is that the same case number? Yeah, 25 I guess it is.</p>
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<p>1 say an employee number or anything like that. 2 Would that be because the person 3 that made that request didn't identify who it 4 was, they just called for it? 5 A. Well, while that can happen that somebody just 6 blurted out that they need an ambulance and a 7 helicopter, in a situation like this, the 911 8 operator typically doesn't type in who asked 9 for the information. She just manually typed 10 in a comment request EMS and helicopter, and 11 then she a few seconds later typed in vehicle 12 hit an intoxicated pedestrian. 13 Q. Okay. 14 A. She didn't note at that point who made the 15 request. 16 Q. Okay. And then at 2:18:31, it appears that 17 the Borough of East Washington might now be on 18 the scene. Look at those two calls at 2:18:31 19 and 2:18:32. 20 A. Yeah, that appears to mimic when Unit 9031 21 arrived on scene to back up Unit 9032. It 22 appears that the East Washington Borough 23 Police arrived on scene and said, start me an 24 incident; I'll be out assisting the city. 25 Q. Okay. And do you know if East Washington can</p>	<p>1 A. That shows that a case number was assigned for 2 East Washington. 3 Q. And it's the same number? 4 A. Yes. 5 Q. So it's all the same event then? 6 A. Right. 7 Q. Okay. And then below that, at 2:19:33 it says 8 Event Comment: MedEvac 1 home and available, 9 going to the landing zone 5401 Shop N' Save, 10 less than 5. 11 We've already talked about what that 12 means. 13 A. Correct. 14 Q. So that's the call checking to see if they're 15 available, and that's made at 2:19:33, 16 correct? 17 A. Correct. 18 Q. All right. And I think we're familiar with -- 19 we've covered some of this other information 20 already. 21 A. Correct. 22 Q. And then there's some on here that I don't 23 understand, like at 2:20:43 a.m. -- 24 A. Okay. 25 Q. -- and it's from 91041 and there's a bunch of</p>

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<p>1 person the police officers do, so that person 2 can say, you tell your 911 operator what the 3 outcome of the call was, and the disposition 4 will be in there. 5 In Washington County, we're not 6 related in any way to the police departments 7 we dispatch for. What they do on their end is 8 their business and needs to be contained in 9 the police reports, not in the 911 CAD report. 10 Q. So that's true of any kind of call that the 11 Washington police would go on, you don't ever 12 know the end result or hear about it unless 13 somebody comes in and tells you? 14 A. That happens rarely that somebody would come 15 in and tell us. Quite honestly, in 20 years, 16 when we want to find out what happened on our 17 calls last night, we got to read the paper. 18 Q. All right. And did you ever see an article in 19 the paper about this incident? 20 A. No, I -- as a matter of fact, when you told me 21 that somebody in custody got run over, it 22 jogged my mind, because I never heard anything 23 like that. 24 Q. It was in the paper. 25 A. Oh, sorry.</p>	<p>1 A. That's correct. That's not to say that my 2 employee wasn't provided with an initial 3 summary of what the officer was seeing, but 4 that was the information she put in the 5 computer to generate his incident at the most 6 accurate time possible. 7 Q. All right. And it's fair to say that if he or 8 she wanted to type more information into that 9 area, they could? 10 A. Yes, they could. 11 Q. And you would agree that the very first report 12 of any injury at this scene is when they call 13 for the EMS and the helicopter at 2:17:26? 14 A. That was the first time that anyone at our 911 15 center was aware that this was more than an 16 intoxicated person. 17 Q. Okay. And then actually it says: Vehicle hit 18 intoxicated pedestrian. 19 That's evidence of an injury? 20 A. Correct, and that was 14 seconds later, and I 21 can tell you from experience, especially if it 22 was Debbie Cadez, she immediately updated the 23 call to add an ambulance to it, and then 24 said -- because a lot of times an officer will 25 say, I need an ambulance. If we dispatch an</p>
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<p>1 Q. That's okay. 2 MR. HOUCK: We're going to take a 3 real short break, okay, and then we'll be back 4 in. 5 THE WITNESS: Okay. 6 ---- 7 (There was a recess in the proceedings.) 8 ---- 9 MR. HOUCK: Just a couple more 10 questions. 11 BY MR. HOUCK: 12 Q. I direct your attention back to the event 13 chronology real quick, and you can leave it on 14 the first page. That's fine. 15 I didn't ask about the entries under 16 the heading of Terminal. 17 Is that just the computer that the 18 operator is sitting at? 19 A. That is correct. 20 Q. Okay. And then looking at that again where it 21 says the opening of the call intoxicated 22 person, there's no information in there about 23 the person is injured, the person is walking 24 across the intersection, it's just intoxicated 25 person?</p>	<p>1 ambulance and, say, the police need an 2 ambulance, the first question the ambulance 3 will ask us is, what for? So I have no doubt 4 in my mind that she was told she needed an 5 ambulance, she clicked on it to send an 6 ambulance, and then got back on the radio and 7 then said, what do you need an ambulance for, 8 and maybe got the response with a vehicle hit 9 an intoxicated pedestrian, maybe. 10 Q. And you would agree that looking at that, 11 that's the only entry of a mechanism of injury 12 on this call? That's it? There's not one 13 prior to that? 14 A. I would agree. 15 MR. HOUCK: Okay. I don't think I 16 have anything further. 17 MR. CAMBEST: I have no questions. 18 MR. HOUCK: Mr. Bollinger, you have 19 the right to review this transcript for its 20 accuracy or you can waive your signature. 21 THE WITNESS: I'll waive. 22 MR. HOUCK: Okay. All done. 23 ---- 24 (Thereupon, the deposition was 25 concluded at 1:05 p.m.)</p>

PLAINTIFF'S
EXHIBIT
25
No. 13-1483



THE CITY OF WASHINGTON POLICE DEPARTMENT



CRIMINAL INVESTIGATION REPORT

INVESTIGATOR: Lt. Daniel Stanek

CRIME: D.U.I. Accident - Risbin

REPORT DATE: 10/17/11

INCIDENT NO: 11008941

VICTIM(S): Jerry Ray

LOCATION: Jefferson Ave @ W Chestnut St

INFORMATION SOURCE: Investigation

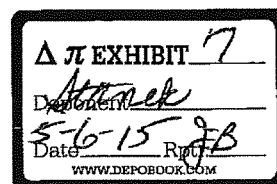
This officer was contacted by Lt John Yancosek on this date at approximately 0300 hrs. Yancosek advised that there was a motor vehicle accident involving a pedestrian at the above listed location. Yancosek requested assistance from this officer.

Upon arrival at the City of Washington Police Department, this officer was further briefed on the incident by Lt. Yancosek. Yancosek advised that an individual identified as Jerry Ray, was struck by a vehicle while he was lying in the roadway. The operator was in custody for suspicion of driving under the influence. The operator was identified as James Risbin. A blood sample was collected at the Washington Hospital for analysis to determine if Risbin was under the influence of alcohol or drugs at the time of the accident. Yancosek further advised that two of our officers, Ptlm. James Markley and Ptlm. John Cain, were in the process of assisting Ray, whom they had discovered while patrolling, lying in the roadway, when he was struck.

This officer interviewed Markley in the presence of Yancosek. Markley advised me that he had encountered Ray lying in the intersection while on routine patrol. Markley was traveling east on W Chestnut St and as he approached the intersection with Jefferson Ave, noticed Ray after seeing two vehicles have to slow and go around him. As Markley and Cain exited the patrol vehicle, Ray got up and continued from the southwest intersection towards the northeast intersection. Ray appeared intoxicated and showed no obvious signs of being injured. Ray was also making movements towards his front waistline. As Ray neared the northeast intersection, he turned and fell onto the roadway. Markley approached Ray and handcuffed him for safety. As he tried to lift Ray off of the roadway, he directed Cain to signal with his flashlight any oncoming traffic as their patrol vehicle was still on the other side of the intersection where they had exited it. Cain briefly used his flashlight and then started across the intersection to get the patrol vehicle and moved it over to the northeast intersection to provide warning and protection to Ray and Markley as Markley struggle to move the larger Ray from the roadway. Markley advised that as this was occurring he was giving Ray verbal commands to help Markley get him up. As this was occurring, Markley noticed headlights approaching in the northbound lane of Jefferson Ave. As the vehicle approached, Markley's actions became more urgent. He also began to fear for his safety as it appeared the vehicle was not slowing. In one final attempt, he tried unsuccessfully to pull Ray off of the roadway. Markley then had to jump from the path of the approaching vehicle as it struck Ray, running over top of him. Markley immediately went back to assist Ray and called for medical help. The vehicle that struck Ray continued north for approximately half of a block before backing up and returning to the scene.

Yancosek then advised that the vehicle was still in the location the operator had stopped at, along with any physical evidence that was left at the scene. I accompanied Yancosek to the scene and met with Sgt Sulerud, who had been maintaining the scene. Sulerud briefed this officer on the scene and advised me that he had already photographed the scene. This officer reviewed the photographed and determined several other photos should be taken. Sulerud completed this task. Due to the vehicle's

(1)



location not being at final rest, its location was only documented with photographs. The victim's clothes that remained at the scene, along with several pieces of debris from the vehicle were collected at this time. Additionally the handcuffs that were on Ray were collected and will be submitted with the evidence. Yancosek was in possession of those as he had removed them from Ray when he arrived on scene.

The vehicle, a Kia Soul, was impounded at Isimingers and will be photographed on Monday morning before being released.

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

AA 500 1

Case Closed ☒ Yes ☐ No
Reportable Crash ☒ Yes ☐ No

Page

1



W0241130

PLAINTIFF'S
EXHIBIT26
No. 13-1483

Police Agency Data	Incident Number 11008941		Police Agency 62302		Patrol Zone 100	
	Agency Name Washington City		Investigation Date (MM-DD-YYYY) 10 - 16 - 2011		Predict 	
Crash Data	Dispatch Time (mi) 0214		Arrival Time (mi) 0215		Investigator MICHAEL CAIN	
	Reviewer RITA M SMITH		Badge Number 062		Approval Date (MM-DD-YYYY) 10 - 20 - 2011	
Crash Data	County 62	County Name Washington	Municipality 302	Municipality Name Washington City		Day of Week <input checked="" type="radio"/> Sun <input type="radio"/> Thu <input type="radio"/> Mon <input type="radio"/> Fri <input type="radio"/> Tue <input type="radio"/> Sat <input type="radio"/> Wed <input type="radio"/> Unk
	Crash Date (MM-DD-YYYY) 10 - 16 - 2011		Crash Time (mi) 0214	No of Units 2	People 2	Injured 1
Crash Data	Killed* 0		*If > 80 complete Form F		Notify PENNDOT Maintenance <input type="radio"/> Yes <input checked="" type="radio"/> No	
	Workzone (If Yes, Complete Form M, Section 29) <input type="radio"/> Yes <input checked="" type="radio"/> No		School Bus Related <input type="radio"/> Yes <input checked="" type="radio"/> No		School Zone Related <input type="radio"/> Yes <input checked="" type="radio"/> No	
Loc Type	Intersection Type <input checked="" type="radio"/> 4 Way Intersection <input type="radio"/> "Y" Intersection <input type="radio"/> Multi-Leg Intersection <input type="radio"/> Off Ramp <input type="radio"/> Railroad Crossing		Midblock <input type="radio"/> "T" Intersection <input type="radio"/> Traffic Circle/Round About <input type="radio"/> On Ramp <input type="radio"/> Crossover <input type="radio"/> Other		*Special Location 00	
	Route Number 		Segment (Optional) 	Travel Lanes 04	Speed Limit 25	House Number (if applicable)
Principal Road	Street Name JEFFERSON		Street Ending AV		Orientation <input checked="" type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input type="radio"/> West <input type="radio"/> Unknown	
	Route Signing <input type="radio"/> Interstate (Not Turnpike) <input type="radio"/> Turnpike (East/West) <input type="radio"/> Turnpike Spur <input type="radio"/> State Highway <input type="radio"/> County Road <input checked="" type="radio"/> Local Road or Street <input type="radio"/> Private Road <input type="radio"/> Other/Unknown		For Mid-block crashes only. Use postal House Number and make sure Principal Roadway Street Name is filled in if using this option			
Intersecting Road	Route Number 		Segment (Optional) 	Travel Lanes 02	Speed Limit 25	House Number (if applicable)
	Street Name CHESTNUT		Street Ending ST		Orientation <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input checked="" type="radio"/> West <input type="radio"/> Unknown	
Distance From Landmarks	Route Signing <input type="radio"/> Interstate (Not Turnpike) <input type="radio"/> Turnpike (East/West) <input type="radio"/> Turnpike Spur <input type="radio"/> State Highway <input type="radio"/> County Road <input checked="" type="radio"/> Local Road or Street <input type="radio"/> Private Road <input type="radio"/> Other/Unknown		Use For Intersecting Crashes			
	Landmark 1 Intersecting Rt Num Or Mile Post Or Segment Marker Or Intersecting Street Name St Ending		Landmark 2 Intersecting Rt Num Or Mile Post Or Segment Marker Or Intersecting Street Name St Ending		Distance From Crash Scene to Landmark 1 (For Crash between Landmark 1 and Landmark 2) Feet Or Miles	
GPS	Please Enter Information for BOTH Landmarks if Using This Option		Use For Mid-Block Crashes		Name Use Only <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input type="radio"/> West	
	Degrees Minutes Seconds Latitude: Longitude: -		Degrees Minutes Seconds Latitude: Longitude: -		Name Use Only <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input type="radio"/> West	
TCD	Traffic Control Device <input type="radio"/> Not Applicable <input checked="" type="radio"/> Traffic Signal <input type="radio"/> Yield Sign <input type="radio"/> Police Officer or Flagman <input type="radio"/> Active RR Crossing Controls <input type="radio"/> Other Type TCD <input type="radio"/> Flashing Traffic Signal <input type="radio"/> Stop Sign <input type="radio"/> Passive RR Crossing Controls <input type="radio"/> Unknown		TCD Functioning <input type="radio"/> No Controls <input type="radio"/> Device Not Functioning <input type="radio"/> Device Functioning Improperly <input checked="" type="radio"/> Device Functioning Properly <input type="radio"/> Emergency Preemptive Signal <input type="radio"/> Unknown			
	Lane Closure (If "Not Applicable", skip rest of the Lane Closure section) <input type="radio"/> Not Applicable <input checked="" type="radio"/> Partially <input type="radio"/> Fully <input type="radio"/> Unknown		Lane Closure Direction <input checked="" type="radio"/> North <input type="radio"/> East <input type="radio"/> North and South <input type="radio"/> All (N,S,E,W) <input type="radio"/> South <input type="radio"/> West <input type="radio"/> East and West			
Lane Closure	Traffic Detoured Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown <input type="radio"/>		Est. Time Closed <input type="radio"/> < 30 Min. <input checked="" type="radio"/> 30-60 Min. <input type="radio"/> 1-3 hrs <input type="radio"/> 3-6 hrs <input type="radio"/> 6-9 hrs <input type="radio"/> > 9 hrs <input type="radio"/> Unknown			

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EXHIBIT
C-11
Tina H. G. 11
ROAD 100-100-000 (12/02)

PRINT CRS W0241130

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COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number

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Unit Info	<input checked="" type="checkbox"/> Motor Vehicle in Transport <input type="checkbox"/> Pedestrian		<input type="checkbox"/> Hit & Run Vehicle <input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc.		<input type="checkbox"/> Illegally Parked <input type="checkbox"/> Disabled From Previous Crash		<input type="checkbox"/> Legally Parked <input type="checkbox"/> Train		<input type="checkbox"/> Non - Motorized <input type="checkbox"/> Phantom Vehicle		<input type="checkbox"/> Commercial Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	(If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28) (If Yes, Complete Form C)													
Vehicle Driver / Pedestrian Information	Unit No	First Name		MI	Date of Birth (MM-DD-YYYY)									
	01	JAMES		M										
	Delete?	Last Name		Telephone Number										
	<input type="checkbox"/>	RISBIN												
	Address / City / State						Zip							
	740 MICHIGAN AVE APT WASHINGTON PA						15301							
	Driver License Number						State	Class						
	18344858						PA	AM*						
	Alcohol/Drugs Suspected						Driver or Pedestrian Physical Condition							
	<input type="checkbox"/> No <input type="checkbox"/> Illegal Drugs <input type="checkbox"/> Medication <input checked="" type="checkbox"/> Alcohol <input type="checkbox"/> Alcohol and Drugs <input type="checkbox"/> Unknown						<input type="checkbox"/> Apparently Normal <input type="checkbox"/> Illegal Drug Use <input type="checkbox"/> Fatigue <input type="checkbox"/> Medication <input checked="" type="checkbox"/> Had Been Drinking <input type="checkbox"/> Sick <input type="checkbox"/> Asleep <input type="checkbox"/> Unknown							
Alcohol Test Type						Primary Vehicle Code Violation								
<input type="checkbox"/> Test Not Given <input type="checkbox"/> Breath <input type="checkbox"/> Other <input checked="" type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Unknown if Test Given						3802 <input type="checkbox"/> Charged? <input type="checkbox"/> Yes <input type="checkbox"/> No								
Alcohol Test Results						Driver Presence								
<input type="checkbox"/> Test Refused <input checked="" type="checkbox"/> Unknown Results <input type="checkbox"/> Test Given, Contaminated Results						1 <input type="checkbox"/> 1=Driver Operated Vehicle <input type="checkbox"/> 3=Driver Fled Scene <input type="checkbox"/> 2=No Driver <input type="checkbox"/> 4=Hit and Run <input type="checkbox"/> 9=Unknown								
Owner/Driver 00=Not Applicable 01=Private Vehicle Owned/Leased by Driver 02=Private Vehicle Not Owned/Leased by Driver 03=Rented Vehicle 04=State Police Vehicle 05=PENNDOT Vehicle 06=Other State Gov Veh 07=Municipal Police Veh 08=Other Municipal Government Vehicle 09=Federal Gov Veh 98=Other 99=Unknown														
Vehicle Information	Same as Driver <input type="checkbox"/>		Owner First Name		Owner Last Name or Business Name (If Pedestrian, skip this Section)									
			JAMES		RISBIN									
	Address / City / State / Zip						Vehicle Make		*Make Code					
	740 MICHIGAN AVE APT WASHINGTON PA 15301						KIA		63					
	VIN				Model Year		Vehicle Model		(See overlay)					
	KNDJT2A25A7039358				2010									
	License Plate		Reg. State		Est. Speed		Vehicle Towed		Towed By					
	FWH7382		PA		999		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		ISMINGERS					
	Insurance		Insurance Company		Policy No									
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		TRAVCO INSURANCE		983494783 101 1									
Trailing Unit	Trailing Unit		No. of Trailing Units		Type Unit		1=Towing Pass. Veh 2=Towing Truck 3=Towing Utility Trailer 4=Mobile/Modular Home 5=Camper 6=Full Trailer 7=Semi-Trailer 8=Other 9=Unknown		Tag No		Tag Year		Tag St	
			0											
	Direction of Travel		*Vehicle Position		*Movement		*See Overlay		Special Usage					
	N		01		01				00					
	Vehicle Color		Vehicle Type		05=Large Truck 06=SLV 20=Unicycle, Bicycle, Tricycle 21=Other Pedalcycle 22=Horse & Buggy 23=Horse & Rider 24=Train 25=Trolley 98=Other 99=Unknown		01=Automobile 02=Motorcycle 03=Bus 04=Small Truck (If "02", Complete Form M, Section 26) (If "20" or "21", Complete Form M, Section 27)		06		12=Commercial Passenger Carrier 13=Taxi 21=Tractor Trailer 22=Twin Trailer 31=Modified Veh 99=Unknown			
	09		06											
	01=Blue 02=Red 03=White 04=Green 05=Black 06=Yellow 07=Silver 08=Gold 09=Brown 10=Orange 11=Purple 12=Other 99=Unknown													
	Initial Impact Point		Damage Indicator		Gradient		3=Downhill 4=Bottom of Hill 5=Top of Hill 9=Unknown		Road Alignment		1=Straight 2=Curved 9=Unknown			
	01		1		1				1					

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POLICE CRASH REPORTING FORM

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Unit Info	<input type="checkbox"/> Motor Vehicle in Transport <input checked="" type="checkbox"/> Pedestrian (If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)		<input type="checkbox"/> Hit & Run Vehicle <input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc <input type="checkbox"/> Disabled From Previous Crash <input type="checkbox"/> Train <input type="checkbox"/> Phantom Vehicle (If Yes, Complete Form C)		<input type="checkbox"/> Commercial Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	<input type="checkbox"/> Illegally Parked <input type="checkbox"/> Legally Parked <input type="checkbox"/> Non - Motorized					
Vehicle Driver / Pedestrian Information	Unit No	First Name		Last Name		Date of Birth (MM-DD-YYYY)
	02	JERRY		RAY		
	Delete?			Telephone Number		
	Address / City / State					
	133 WABASH ST. PITTSBURGH PA					
	Zip					
	15220					
	Driver License Number					
	State Class					
Vehicle Driver / Pedestrian Information	Alcohol/Drugs Suspected			Driver or Pedestrian Physical Condition		
	<input type="checkbox"/> No <input type="checkbox"/> Illegal Drugs <input type="checkbox"/> Medication <input checked="" type="checkbox"/> Alcohol <input type="checkbox"/> Alcohol and Drugs <input type="checkbox"/> Unknown			<input type="checkbox"/> Apparently Normal <input type="checkbox"/> Illegal Drug Use <input type="checkbox"/> Fatigue <input type="checkbox"/> Medication <input checked="" type="checkbox"/> Had Been Drinking <input type="checkbox"/> Sick <input type="checkbox"/> Asleep <input type="checkbox"/> Unknown		
	Alcohol Test Type			Primary Vehicle Code Violation		
	<input checked="" type="checkbox"/> Test Not Given <input type="checkbox"/> Breath <input type="checkbox"/> Other <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Unknown if Test Given			<input type="checkbox"/> Charged? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	Alcohol Test Results			Driver Presence		
	<input type="checkbox"/> Test Refused <input type="checkbox"/> Unknown Results <input type="checkbox"/> Test Given, Contaminated Results			<input type="checkbox"/> 1=Driver Operated Vehicle <input type="checkbox"/> 3=Driver Fled Scene <input type="checkbox"/> 2=No Driver <input type="checkbox"/> 4=Hit and Run <input type="checkbox"/> 9=Unknown		
	Owner/Driver					
	<input type="checkbox"/> 00=Not Applicable <input type="checkbox"/> 01=Private Vehicle Owned/Leased by Driver <input type="checkbox"/> 02=Private Vehicle Not Owned/Leased by Driver <input type="checkbox"/> 03=Rented Vehicle <input type="checkbox"/> 04=State Police Vehicle <input type="checkbox"/> 05=PENNDOT Vehicle <input type="checkbox"/> 06=Other State Gov Veh <input type="checkbox"/> 07=Municipal Police Veh <input type="checkbox"/> 08=Other Municipal Government Vehicle <input type="checkbox"/> 09=Federal Gov Veh <input type="checkbox"/> 98=Other <input type="checkbox"/> 99=Unknown					
	Same as Driver <input type="checkbox"/>					
	Owner First Name					
Owner Last Name or Business Name (If Pedestrian, skip this Section)						
Address / City / State / Zip						
Vehicle Make						
*Make Code						
No Entry Made						
VIN						
Model Year						
Vehicle Model (see overlay)						
License Plate						
Reg. State Est. Speed						
Vehicle Towed						
Towed By						
Insurance						
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown						
Insurance Company						
Policy No						
Vehicle Information	Trailing Unit		Type Unit		Tag No	
	<input type="checkbox"/> No. of Trailing Units: <input type="checkbox"/>		<input type="checkbox"/> 1=Towing Pass. Veh <input type="checkbox"/> 2=Towing Truck <input type="checkbox"/> 3=Towing Utility Trailer		<input type="checkbox"/> 4=Mobile/Modular Home <input type="checkbox"/> 5=Camper <input type="checkbox"/> 6=Full Trailer <input type="checkbox"/> 7=Semi-Trailer <input type="checkbox"/> 8=Other <input type="checkbox"/> 9=Unknown	
	Direction of Travel		*Vehicle Position		*Movement	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
	*See Overlay		Special Usage			
	Vehicle Color		Vehicle Type		<input type="checkbox"/> 00=Not Applicable <input type="checkbox"/> 01=Fire Veh <input type="checkbox"/> 02=Ambulance <input type="checkbox"/> 03=Police <input type="checkbox"/> 08=Other Emergency Vehicle <input type="checkbox"/> 11=Pupil Transport <input type="checkbox"/> 12=Commercial Passenger Carrier <input type="checkbox"/> 13=Taxi <input type="checkbox"/> 21=Tractor Trailer <input type="checkbox"/> 22=Twin Trailer <input type="checkbox"/> 23=Triple Trailer <input type="checkbox"/> 31=Modified Veh <input type="checkbox"/> 99=Unknown	
	<input type="checkbox"/> 01=Blue <input type="checkbox"/> 02=Red <input type="checkbox"/> 03=White <input type="checkbox"/> 04=Green <input type="checkbox"/> 05=Black <input type="checkbox"/> 06=Yellow <input type="checkbox"/> 07=Silver <input type="checkbox"/> 08=Gold <input type="checkbox"/> 09=Brown <input type="checkbox"/> 10=Orange <input type="checkbox"/> 11=Purple <input type="checkbox"/> 12=Other <input type="checkbox"/> 99=Unknown		<input type="checkbox"/> 01=Automobile <input type="checkbox"/> 02=Motorcycle <input type="checkbox"/> 03=Bus <input type="checkbox"/> 04=Small Truck <input type="checkbox"/> 05=Large Truck <input type="checkbox"/> 06=SUV <input type="checkbox"/> 07=Van <input type="checkbox"/> 10=Snowmobile <input type="checkbox"/> 11=Farm Equip <input type="checkbox"/> 12=Construction Equip <input type="checkbox"/> 13=ATV <input type="checkbox"/> 18=Other Type Spec Veh <input type="checkbox"/> 19=Unk. Type Spec Veh <input type="checkbox"/> 20=Unicycle, Bicycle, Tricycle <input type="checkbox"/> 21=Other Pedalcycle <input type="checkbox"/> 22=Horse & Buggy <input type="checkbox"/> 23=Horse & Rider <input type="checkbox"/> 24=Train <input type="checkbox"/> 25=Trolley <input type="checkbox"/> 98=Other <input type="checkbox"/> 99=Unknown			
	Initial Impact Point		Damage Indicator		Gradient	
	<input type="checkbox"/> 00=Non-Collision <input type="checkbox"/> 01-12=Clock Points <input type="checkbox"/> 13=Top		<input type="checkbox"/> 0=None <input type="checkbox"/> 1=Minor <input type="checkbox"/> 2=Functional <input type="checkbox"/> 3=Disabling <input type="checkbox"/> 9=Unknown		<input type="checkbox"/> 1=Level <input type="checkbox"/> 2=Uphill <input type="checkbox"/> 3=Downhill <input type="checkbox"/> 4=Bottom of Hill <input type="checkbox"/> 5=Top of Hill <input type="checkbox"/> 9=Unknown	
					Road Alignment	
				<input type="checkbox"/> 1=Straight <input type="checkbox"/> 2=Curved <input type="checkbox"/> 9=Unknown		

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POLICE CRASH REPORTING FORM

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W0241130

People Information	A Person Type: 1=Driver 2=Passenger 7=Pedestrian 8=Other 9=Unknown	D Seat Position: 00=Not A Passenger/Occupant 01=Driver - All Vehicles 02=Front Seat Middle Position 03=Front Seat Right Side 04=Second Row - Left Side Or Motorcycle Passenger 05=Second Row - Middle Position 06=Second Row - Right Side 07=Third Row Or Greater - Left Side 08=Third Row Or Greater - Middle Position 09=Third Row Or Greater - Right Side 10=Sleeper Section of Truckcab 11=In Other Enclosed Passenger Or Cargo Area 12=In Open Area (Back Of Pickup, Etc.) 13=Trailing Unit 14=Riding On Vehicle Exterior 15=Bus Passenger 98=Other 99=Unknown	E Safety Equipment One: 00=None Used / Not Applicable 01=Shoulder Belt Used 02=Lap Belt Used 03=Lap And Shoulder Belt Used 04=Child Safety Seat Used 05=Motorcycle Helmet Used 06=Bicycle Helmet Used 10=Safety Belt Used Improperly 11=Child Safety Seat Used Improperly 12=Helmet Used Improperly 90=Restraint Used, Type Unknown 99=Unknown	G Ejection: 0=Not Ejected / Not Applicable 1=Not Ejected 2=Totally Ejected 3=Partially Ejected 9=Unknown
	B Sex: F=Female M=Male U=Unknown		F Safety Equipment Two: 00=None Used / Not Applicable 01=Front Air Bag Deployed (For This Seat) 02=Side Air Bag Deployed (For This Seat) 03=Other Type Air Bag Deployed 04=Multiple Air Bags Deployed 05=Motorcycle Eye Protection 06=Bicyclist Wearing Elbow/Knee/Pads 10=Air Bag Not Deployed, Switch On 11=Air Bag Not Deployed, Switch Off 12=Air Bag Not Deployed, Unknown Switch Setting 13=Air Bag Removed (Prior To Crash) 19=Unknown If Air Bag Deployed 99=Unknown	H Ejection Path: 0=Not Ejected / Not Applicable 1=Through Side Door Opening 2=Through Side Window 3=Through Windshield 4=Through Back Door 5=Through Back Door Tailgate Opening 6=Through Roof Opening (Sunroof/Convertible Top Down) 7=Through Roof Opening (Convertible Top Up) 9=Unknown
	C Injury Severity: 0=Not Injured 1=Killed 2=Major Injury 3=Moderate Injury 4=Minor Injury 8=Injury, Unk Severity 9=Unknown if Injury			I Extrication: 0=Not Applicable 1=Not Extricated 2=Extricated By Mechanical Means 3=Freed By Non - Mechanical Means 8=Other 9=Unknown

EMS Agency: WASHINGTON AMBULANCE Medical Facility: MERCEY HOSPITAL

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
01	01	<input type="checkbox"/>	01-01-01	1	M	0	01	03	00	0	0	0

Name / Address / Phone

Same as Operator ☐ RISBIN, JAMES M 740 MICHIGAN AVE APT WASHINGTON PA 15301EMS Transport
☐ Yes ☒ No

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
02	01	<input type="checkbox"/>	01-01-01	7	M	2	00	00	00	0	0	0

Name / Address / Phone

Same as Operator ☐ RAY, JERRY 133 WABASH ST. PITTSBURGH PA 15220EMS Transport
☒ Yes ☐ No

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
		<input type="checkbox"/>										

Name / Address / Phone

Same as Operator ☐EMS Transport
☐ Yes ☐ No

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
		<input type="checkbox"/>										

Name / Address / Phone

Same as Operator ☐EMS Transport
☐ Yes ☐ No

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
		<input type="checkbox"/>										

Name / Address / Phone

Same as Operator ☐EMS Transport
☐ Yes ☐ No

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
		<input type="checkbox"/>										

Name / Address / Phone

Same as Operator ☐EMS Transport
☐ Yes ☐ No

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POLICE CRASH REPORTING FORM

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Crash Number

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General Crash Information (If more than 2 units only complete each)	Crash Description	8	0=Non-Collision 1=Rear End 2=Head On 3=Rear to Rear (Backing) 4=Angle 5=Sidewipe (Same Direction) 6=Sidewipe (Opposite Direction) 7=Hit Fixed Object 8=Hit Pedestrian 9=Other/Unknown		
	Relation to Roadway	1	1=On Travel Lanes 2=Shoulder 3=Median 4=Roadside 5=Outside Trafficway 6=In Parking Lane 7=Gore (Ramp Intersection) 9=Unknown		
	Illumination	3	1=Daylight 2=Dark - No Street Lights 3=Dark - Street Lights 4=Dusk 5=Dawn 6=Dark - Unknown Roadway Lighting 8=Other		
	Weather Conditions	1	1=No Adverse Conditions 2=Rain 3=Snow (Fall) 4=Snow 5=Fog 6=Rain & Fog 7=Sleet & Fog 8=Other 9=Unknown		
	Road Surface Conditions	0	0=Dry 1=Wet 2=Sand, Mud, Dirt, Oil 3=Snow Covered 4=Slush 5=Ice 6=Ice Patches 7=Water - Standing or Moving 8=Other		
Unit(s) Event Information	Harm Event L/R Most? Utility Pole Number		Harmful Events (Harm Event)		
	Unit No 1	02			01=Hit Unit 1 02=Hit Unit 2 03=Hit Unit 3 04=Hit Unit 4 05=Hit Unit 5 06=Hit Other Traffic Unit 07=Hit Deer 08=Hit Other Animal 09=Collision With Other Non Fixed Object 11=Struck By Unit 1 12=Struck By Unit 2 13=Struck By Unit 3 14=Struck By Unit 4 15=Struck By Unit 5 16=Struck By Other Traffic Unit 21=Hit Tree Or Shrubbery 22=Hit Embankment 23=Hit Utility Pole 24=Hit Traffic Sign 25=Hit Guard Rail 26=Hit Guard Rail End 27=Hit Curb 28=Hit Concrete Or Longitudinal Barrier 29=Hit Ditch 30=Hit Fence Or Wall 31=Hit Building 32=Hit Culvert 33=Hit Bridge Pier Or Abutment 34=Hit Parapet End 35=Hit Bridge Rail 36=Hit Boulder Or Obstacle On Roadway 37=Hit Impact Attenuator 38=Hit Fire Hydrant 39=Hit Roadway Equipment 40=Hit Mail Box 41=Hit Traffic Island 42=Hit Snow Bank 43=Hit Temporary Construction Barrier 48=Hit Other Fixed Object 49=Hit Unknown Fixed Object 50=Overturn/Roll Over 51=Struck By Thrown Or Falling Object 52=Pot Holes Or Other Pavement Irregularities 53=Jackknife 54=Fire In Vehicle 58=Other Non-Collision 99=Unknown Harmful Event
	Unit No 2				
	Unit No 3				
First Harmful Event in the Crash	Unit No	Harm Event	Most Harmful Event in the Crash	Unit No	Harm Event
	01	02		01	02
	Do not repeat this information on multiple pages				
Contributing Information	Environmental / Roadway Potential Factors (E/R)		Driver Action (D)		
	1	00	2		
	00=None 01=Windy Conditions 02=Sudden Weather Conditions 03=Other Weather Conditions 04=Deer In Roadway 05=Obstacle On Roadway 06=Other Animal In Roadway 07=Glare 08=Work Zone Related 11=Slippery Road Conditions (Ice/Snow) 12=Substance On Roadway 13=Potholes 14=Broken Or Cracked Pavement 15=TCO Obstructed 16=Soft Shoulder Or Shoulder Drop Off 28=Other Roadway Factor 29=Other Environmental Factor 99=Unknown	00=None Contributing Action 01=Driver Was Distracted 02=Driving Using Hand Held Phone 03=Driving Using Hands Free Phone 04=Making Illegal U-Turn 05=Improper/Careless Turning 06=Turning From Wrong Lane 07=Proceeding W/O Clearance After Stop 08=Running Stop Sign 09=Running Red Light 10=Failure To Respond To Other Traffic Control Device 11=Tailgating 12=Sudden Slowing/Stopping 13=Illegally Stopped On Road 14=Careless Passing Or Lane Change 15=Passing In No Passing Zone 16=Driving The Wrong Way On 1-Way Street 17=Careless Or Illegal Backing On Roadway 18=Driving On The Wrong Side Of Road 19=Making Improper Entrance To Highway 20=Making Improper Exit From Highway 21=Careless Parking/Unparking 22=Over/Under Compensation At Curve 23=Speeding 24=Driving Too Fast For Conditions 25=Failure To Maintain Proper Speed 26=Driver Fleeing Police (Poli Chase) 27=Driver Inexperienced 28=Failure To Use Specialized Equip 92=Affected By Physical Condition 98=Other Improper Driving Actions 99=Unknown			
	Possible Vehicle Failures (V)		Pedestrian Action (P)		
00=None 01=Tires 02=Brake System 03=Steering System 04=Suspension 05=Power Train 06=Exhaust 07=Headlights 08=Signal Lights 09=Other Lights 10=Horn 11=Mirrors 12=Wipers 13=Driver Seating/Control 14=Body, Doors, Hood, Etc. 15=Trailer Hitch 16=Wheels 17=Airbags 18=Trailer Overloaded 19=Unsecure/Shifted Trailer Load 20=Improper Towing 21=Obstructed Windshield 99=Unknown	00=None 01=Entering Or Crossing At Specified Location 02=Walking, Running, Jogging, Or Playing 03=Working 04=Pushing Vehicle 05=Approaching Or Leaving Vehicle 06=Working On Vehicle 07=Standing 98=Other 99=Unknown				
Indicated Prime Factor Do not repeat this information on multiple pages. E/R V D P <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		Unit No Factor Code 01 01 If E/R is the Prime Factor Type, leave Unit No blank			
Unit No 01 1 00 2		Unit No 02 1 00 2			
Unit No 02 1 00 2		Unit No 01 1 01 2 3 4			
Unit No 02 1 00 2		Unit No 02 1 00 2 3 4			
Unit No 02 1 00 2		Unit No 01 02 98			

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**Crash Number**

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W0241130

W0241150

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Diagram

Witness Name	Address	Phone
1		
2		

Narrative and additional witnesses:

Unit #1 traveling north bound on Jefferson Ave. struck unit #2 who was handcuffed in police custody lying in the right travel lane. Unit #3 a police officer who got out of roadway as unit #1 struck unit #2.

Accident Investigation Notification issued? ☐ Property Damage ☐

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AA 500 M

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☐ Never

☐ Change/
Continuation

W0241130

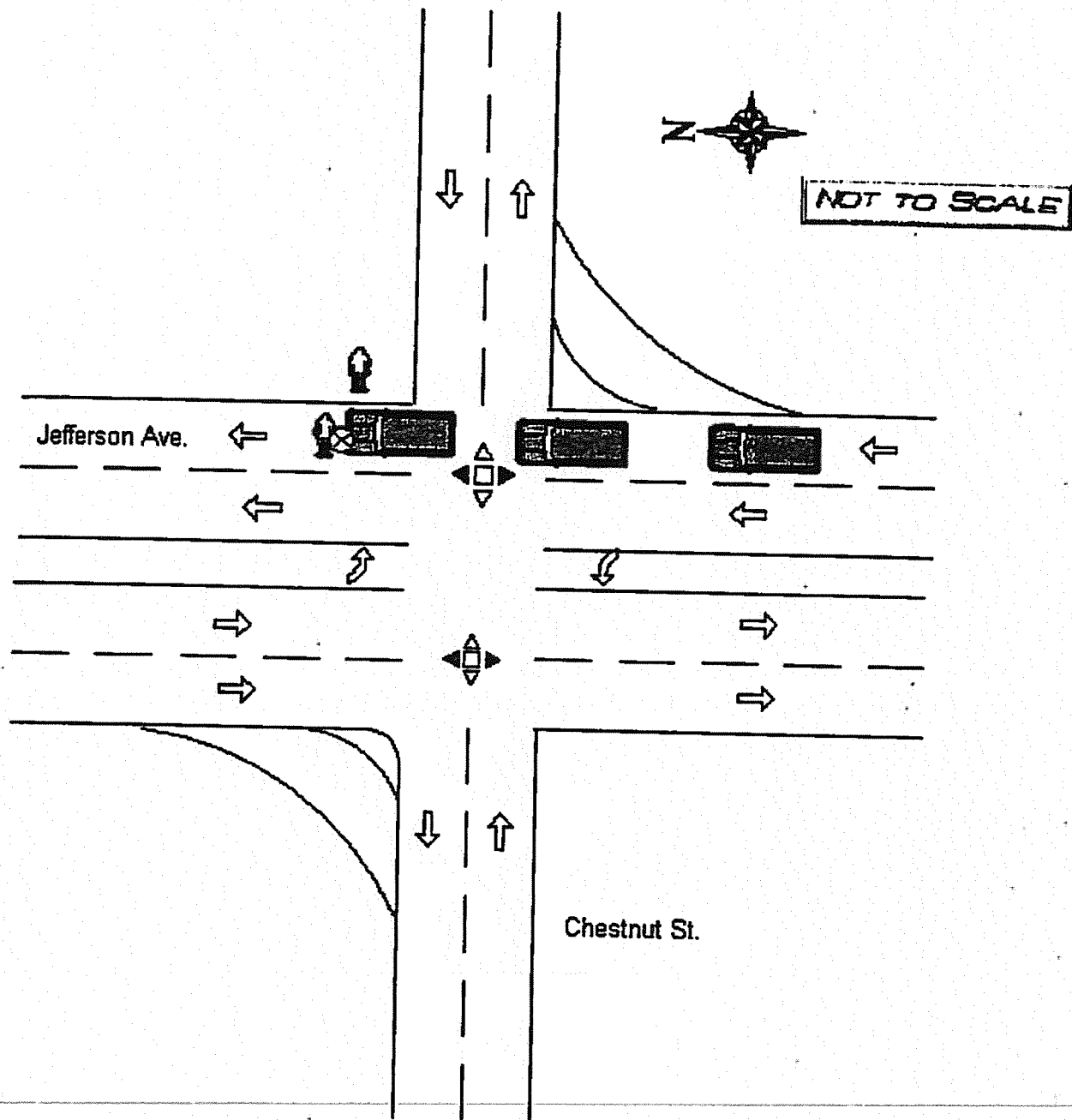
FORM 8 AA-000000 (2000)

<http://www.dot6.state.pa.us/crsapp/PrintImages/XmlFiles/701110636220111021112512>

CRASH W0241130

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Crash Number: W0241130
Incident Number: 11008941



Synopsis

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☐ Quality Assurance Synopsis ☒ Report

Crash Synopsis created 10/21/2011 for Crash Number W0241130 WebGroup: REPT

Police Agency Data:

The crash report was recorded by police agency 62302-Washington City, patrol zone -100, under incident number 11008941. The dispatch date was 10/16/2011, the dispatch time was 0214 hours, the investigation date was 10/16/2011, the arrival time was 0215 hours. The investigator was MICHAEL CAIN, badge number 062. The report was approved on 10/20/2011.

Crash Data:

This is hit pedestrian crash occurred in Washington in the municipality of Washington City, on Sunday, 10/16/2011 at 0214 hours. The illumination at the time of the crash was dark with street lights. The 2-unit crash involved 2 people with 1 injury. There were no fatalities. This is a reportable crash. Highway maintenance was not notified. The crash was not school bus related. The crash was not school zone related. The crash did not occur in a work zone. The roadway surface was dry. Weather conditions included No adverse conditions. A notification of an accident investigation was not issued. The indicated prime factor for this crash was a driver's action (the driver was distracted) for unit 01. The first and most harmful event for this crash was that unit 1 Hit unit 02.

Type Location:

This was a a four way intersection crash, which occurred at no special location.

Principal Roadway:

Washington County, JEFFERSON Avenue, the orientation of the roadway was North, there were 04 travel lane(s), the speed limit was 25 Mph, with a local road or street route signing.

Intersecting Road:

Washington County, CHESTNUT Street, the orientation of the roadway was West, there were 02 travel lane(s), the speed limit was 25 Mph, with a local road or street route signing.

TCD:

Traffic Control Device: a traffic signal, functioning properly.

Work zone:

Type of Work Zone: not a work zone.

Lane Closure:

Partiallyclosed. Lane closure direction North. Traffic detoured yes. Estimated hours closed 30 - 60 minutes.

UNIT INFORMATION: 1

Unit Number 1 was a motor vehicle in transport. The unit was owned by RISBIN, JAMES. Address: 740 MICHIGAN AVE APT WASHINGTON PA 15301. This 2010 KIA identified by VIN: KNDJT2A25A7039358 was registered in PA with License FWH7382. Travel speed: Unknown. Unit insured: vehicle has insurance, Insurance Company: TRAVCO INSURANCE. The Unit was towed by ISMINGERS. This was not a commercial vehicle. This Unit was an SUV, Vehicle color: Brown, Special Usage: Not applicable. The initial impact point was at 1 o'clock, Damage Indicator: Minor (able to be driven), Vehicle role: Hit unit 02. Vehicle position: in the curb lane right. Direction of travel: North, Movement: Going straight, Gradient: on a level roadway, Alignment: Straight.

Driver Information:

The driver of this unit was JAMES M RISBIN. Address: 740 MICHIGAN AVE APT WASHINGTON PA 15301. Drivers License #: 18344858, State: PA, DOB: (), Age: 53, Sex: Male. Seat position: driver's seat. Primary safety equipment: lap and shoulder belt were used. Secondary safety equipment: None used / Not applicable. Injury severity: Not injured. Ejection: Not applicable. Alcohol/Drugs Suspected: Alcohol, Alcohol Test Type: a blood, Alcohol Test Results: Result = 0.99. Driver's action(s), 1 the driver was distracted. The individual's

condition had been drinking. Vehicle code 3802 was violated. .

UNIT INFORMATION: 2

Unit Number 2 was a pedestrian.

Pedestrian Information:

JERRY RAY. Address: 133 WABASH ST. PITTSBURGH PA 15220. DOB: [REDACTED] ge: 46. Sex: Male. Primary safety equipment: None used / Not applicable. Secondary safety equipment: None used / Not applicable. Injury severity: Major injury. Alcohol/Drugs Suspected: Alcohol, Alcohol Test Type: Test not given, Alcohol Test Results: Result = 0.00. The individual's condition had been drinking. The pedestrian's action was Other. The pedestrian's clothing was Dark.

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